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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49*

Addendum

Mission to Sierra Leone
(21-29 August 2001)

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission only.

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Executive summary

This report contains the findings of the Special Rapporteur on violence against women following her visit to Sierra Leone on official mission, from 21 to 29 August 2001. It addresses the widespread violence against women committed during the conflict and identifies key measures and initiatives needed to ensure the rights of women in the aftermath of the conflict.

As civilians, the women and girls of Sierra Leone have been subjected to human rights abuses and grave breaches of international humanitarian law, including killing, amputation, forced displacement, forced conscription, and the looting and destruction of their property. As women, they have been subjected to gender-specific abuses, including rape, sexual slavery and forced marriages to members of the various factions. Systematic and widespread rape and other sexual violence has been a hallmark of the conflict in Sierra Leone. Sexual violence has been directed against women of all ages, including very young girls. Thousands of cases have been reported, including individual and gang rape, sexual assault with objects and sexual slavery. These gender-specific violations in particular have received little attention from the international community. It should be noted that such human rights abuses have been committed by all parties to the armed conflict.

The Special Rapporteur calls on all parties to take measures to protect women and girls from rape and other forms of sexual violence, including instructing all the warring factions to respect international humanitarian law. She calls on them to state publicly that rape in the conduct of armed conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances, and that anyone who commits rape will be brought to justice. She also calls on them to investigate all reports of rape and other forms of sexual violence and to prosecute those alleged to have committed such crimes. Furthermore, she urges all parties to release immediately all girls, women and other civilians who remain held against their will, and to ensure that no further abductions take place.

The Special Rapporteur notes that the failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women in Sierra Leone, including rape and domestic violence. The Special Rapporteur is concerned about the criminal justice system in relation to women, and the reported low level of conviction for rape and other forms of gender-based violence. She urges the Government to intensify its efforts to combat violence against women, through comprehensive measures, including gender-sensitive training in the criminal justice system. The Rome Statute of the International Criminal Court makes explicit that rape and other gender-based violence are among the most serious crimes of concern to the international community by specifically defining them as constituent acts of crimes against humanity and war crimes.

The Special Rapporteur states that, in accordance with Security Council resolution 1325 (2000) of 31 October 2000, women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. In this regard the Special Rapporteur commends the efforts of the Mano River Union Women's Peace Network towards regional peace.

The Special Rapporteur stresses that the wartime experiences and post-conflict needs of women and girls must be fully taken into account in the formulation of repatriation and resettlement plans, as well as during the demobilization and disarmament process. The necessary conditions must be provided to enable those women and girls who were forced to become the sexual partners of members of the rebel forces (so-called "bush wives") to leave demobilized combatants, if they wish to. Financing and humanitarian organizations also should recognize the special needs of the dependants of combatants, or camp followers, and not only of the combatants themselves. Rehabilitation programmes must take into account the wide extent of sexual assault and rape and formulate programmes to address the specific needs of survivors. Programmes must also be developed for the special needs of female ex-combatants. Moreover, special initiatives must be developed to ensure that the security and subsistence concerns of war widows and other female heads of household are adequately addressed.

The Special Rapporteur also highlights her concern about the appalling conditions in the camps for internally displaced persons (IDPs). The Special Rapporteur urges all parties to abide by and ensure enforcement of the Guiding Principles on Internal Displacement. She states that the Government must adopt effective measures to guarantee that the particular security concerns of women and children displaced by the conflict are met, including measures against rape and other gender-based violence. The Special Rapporteur urges the Government and the international community to take immediate action to ensure that IDPs have access to basic services, particularly in regard to food, shelter, health, education and protection.

The Special Rapporteur makes the following further recommendations.

The international community should ensure that all reports of rape and other forms of gender-based violence are fully investigated by the appropriate authorities in order to identify those responsible and bring them to justice; this should include:

Providing assistance to the Government of Sierra Leone in restructuring and training the police force and establishing a competent, impartial and independent judiciary with the necessary resources to function effectively and fairly;

Ensuring the appropriate training is provided to prosecutors, judges and other officials in handling cases involving rape and other forms of gender-based violence in armed conflict and in peacetime in accordance with current standards of international law - notably the Rome Statute of the International Criminal Court and jurisprudence of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia;

Ensuring that any training of the new Sierra Leone army and the police force includes training in international human rights and humanitarian law, and that those dealing with women's cases have expertise in violence against women and gender-based crimes.

The international community should increase funding for programmes that address the needs of victims of sexual violence, including medical care, trauma counselling, education, vocational skills training and income-generating schemes.

The Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL) should recruit a gender specialist to, inter alia, systematically monitor and report on issues of gender-based violence. UNIFEM should also open an office in Sierra Leone so that women's issues receive the high-profile treatment that they deserve.

UNAMSIL should initiate programmes to inform non-State actors of their obligations under international humanitarian law.

UNAMSIL should ensure that United Nations peacekeepers fulfil their mandate to protect civilians from physical violence, including women and girls at risk of abduction, rape and other forms of sexual violence; ensure that all troops deployed by UNAMSIL are fully trained in international human rights and humanitarian law, and that expertise in violence against women, including gender-based crimes, is provided within UNAMSIL; and ensure that cases of rape and other forms of sexual violence continue to be monitored and recorded by the UNAMSIL Human Rights Section with a view to the investigation and prosecution of those alleged to be responsible.

Lastly, the Special Rapporteur recommends that the International Criminal Court standard should be applied to the composition of the Truth and Reconciliation Commission and the Special Court. The Rome Statute deals with a number of structural issues that are particularly important for the Truth and Reconciliation Commission and the Special Court in Sierra Leone to ensure that cases involving violence against women are prosecuted and the perpetrators brought to justice. The specific needs of victims of rape and other forms of sexual violence during the conflict, and their right to redress, must be fully taken into account.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES, ON HER MISSION TO SIERRA LEONE (21-29 AUGUST 2001)

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List of acronyms

AFRC	Armed Forces Revolutionary Council
APC	All People's Congress
CDF	Civil Defence Forces
CEDAW	Committee on the Elimination of Discrimination against Women
COOPI	Cooperazione Internazionale
ECOMOG	Military Observer Group of the Community of West African States
FAWE	Forum for African Women Educationalists
FGM	female genital mutilation
ICC	International Criminal Court
IDP	internally displaced person
IMC	International Medical Corps
IRC	International Rescue Committee
NCDHR	National Commission for Democracy and Human Rights
NCRRR	National Commission for Rehabilitation, Reconstruction and Reintegration
OCHA	Office for the Coordination of Humanitarian Affairs
RUF	Revolutionary United Front
RVF	recto-vaginal fistula
SLA	Sierra Leone Army
SLAUW	Sierra Leone Association of University Women
SLPP	Sierra Leone People's Party
TRC	Truth and Reconcilation Commission
VVF	vasico-vaginal fistula
WFP	World Food Programme
WHO	World Health Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNAMSIL	United Nations Mission in Sierra Leone

I. INTRODUCTION

1. At the invitation of the Government of Sierra Leone, the Special Rapporteur on violence against women, its causes and consequences visited Sierra Leone on official mission from 21 to 29 August 2001 to study the issue of violence against women committed during the conflict and to identify key measures and initiatives needed to ensure the rights of women in the aftermath of the conflict. The Special Rapporteur visited Freetown, Kenema, Bo and Makeni.

2. The Special Rapporteur would like to express her appreciation for the cooperation and the assistance extended to her by the Government of Sierra Leone.

3. The Special Rapporteur is especially grateful for the efficient cooperation and support provided by Mr. Rodolfo Mattarollo, Chief of the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL), and his staff for ensuring a substantively and logistically successful visit.

4. During her visit to Sierra Leone, the Special Rapporteur met with President Dr. Ahmed Tejan Kabbah, the Minister of Social Welfare, Gender and Children's Affairs, Ms. Shirley Gbujama, the Attorney-General, the Chairman of the National Commission for Democracy and Human Rights (NCDHR) and the Spokesperson of the Revolutionary United Front (RUF), Mr. Gibril Massaquoi. In addition, the Special Rapporteur also met with members of the diplomatic community, the United Nations country team, the Deputy Special Representative of the Secretary-General, the Deputy Field Commander and international and local non-governmental human rights and women's organizations. She also took testimonies from female victims of violence.

5. The Special Rapporteur would like to express her heartfelt thanks to all the women who agreed to tell their very personal stories to her, so that she could attempt to understand the suffering which they had endured. The Special Rapporteur would also like to thank the organizations/individuals that facilitated meetings with women survivors of violence.

II. CASES

6. These testimonies illustrate the different kinds and level of violence that women and girls have been subjected to throughout the 10-year armed conflict in Sierra Leone. As civilians, the women and girls of Sierra Leone have been subjected to human rights abuses and grave breaches of international humanitarian law, including killing, amputation, forced displacement, forced conscription and the looting and destruction of their property. As women, they have been subjected to gender-specific abuses, including rape, sexual slavery and forced marriages to members of the various factions. These gender-specific violations, in particular, have been underreported. It should also be noted that human rights abuses have been committed by all parties to the armed conflict.

7. HK (16 years old)[1] was at home in Kissy, Freetown in 1997 when she heard gunshots. Her whole family rushed out to see what was happening. The AFRC came into the neighbourhood chanting "we want peace". They started killing and shooting people at random. Her family began running in every direction. She watched as the AFRC members cut in half the

newborn child of her aunt. Then they told her to vacate the premises and captured her, while they set fire to the house with everyone else inside. She was taken to a camp and told that she would have to fight for the AFRC. When she said that she did not want to fight she was put in the "looting" contingent and given a weapon and 58 rounds of ammunition. From then on she went on the operations of the AFRC. Before they went out, a man called Dr. Prince would inject them with a substance. The first time it was given to her she passed out. Then they carved AFRC on her body with a razor. When she was given the substance, she was always disoriented and did not know what she was doing. She was a virgin when captured but on the first evening she was given rum with some tablets. She fell asleep and when she woke up she noticed that she was completely "messed up" and there was pain between her legs. After that she was raped repeatedly at gun-point when any one of the male rebels wanted her. By 1999, she had moved from the looting contingent to becoming a fully-fledged combatant. On 6 January of that year, she was taken back to Freetown and ordered to kill people and cause as much havoc as possible. With other child combatants, she cut off people's arms, heads and breasts under orders from the AFRC commanders. They were driven back from Freetown and they joined the RUF forces and went to Makheni. She stayed there until she heard that there was "peace" and that anyone who wanted to go would be released. With another friend she went to Port Loko. There she found (ECOMOG) soldiers from Nigeria. They took her to the camp for internally displaced persons in the stadium and later she was moved to the Grafton camp. At that time she was five months pregnant. The baby was finally born in the Grafton camp. A few months later it died - the doctors said that it was because of the cold and the conditions in the camp.

8. PC (18 years old) lived with her father in Freetown and went to school. In 1996 she went to Kenema with her father to visit her mother, when the RUF attacked. Her father took her and her sister and ran but her mother got lost. To this day she does not know where her mother is. The rebels caught her, her father and her sister and asked them to accompany the rebels to Makheni. They made them carry heavy loads. They gave a very heavy load to her father and when he objected they beheaded him. The rebels forced her to carry her father's head all the way to Makheni. She was 15 years old. At Makheni, she and her sister, who was 12, were raped continuously. Each girl had 8 to 10 men that she had to sleep with regularly. Her sister died from the repeated rape. PC was with the rebels for three years. She was pregnant twice but lost her babies. In 1999 she was pregnant again, when the rebels decided to attack Freetown. During the attack, she escaped. A young woman took her in and hid her for six days. Then the young woman bribed officials at the Grafton camp for 40,000 leons and bought her a place in a booth. Since she is illegal she has no card and therefore does not get rations. She braids hair and sells firewood to earn her living. Her daughter was born in the camp and is always sickly and highly anaemic. She has no access to health care and her child no access to school.

9. FC (40 years old)[2] was told by the Kamajors (see paragraph 50, below), after the intervention in 1998, to leave Kono so that she did not get caught up in the crossfire between them and the rebels as they tried to secure Kono. She was three months pregnant. She and her brother, along with some of her children, left for her husband's village, Loma, one of the villages that border Guinea.

10. They took a bush path to try to get to their destination. When they arrived at a village called Simbakoro they took refuge there and rested for a little while after an exhaustive walk. On the following day, they heard firing; they left the village and moved on to another village

called Jabayma Fiama. They stayed at Jabayma Fiama for three days. Then the rebels (RUF) attacked the village and abducted them. They took all their belongings and food. They gave them heavy loads to carry and ordered them to come with them. Her 13-year-old daughter was crying bitterly because of the heavy load she was carrying. After walking for a few miles one of the commandos, Ibrahim, ordered her to return to the village where they came from with her younger daughter, but said he would not release her 13-year-old daughter. She pleaded with him not to take her away; and then he scolded her to obey him. She returned to the village where they were camping and found her brother, who had escaped the rebel attack, waiting for her. They took another direction in the forest and continued their journey.

11. On their way, they met a man at a farmhouse who was cooking cassava. She asked him to kindly share some with them because they were starving. He said he did not have enough, but he showed them where they could get some fresh ones. She went and got some. The man allowed them to cook; he went away and left them at the farmhouse. After cooking, she went to fetch drinking water from a drain. On the way, she heard a whistle sound and got scared. She did not know if it was a bird or a human being. She decided to return to the farmhouse. She heard the same sound again and was even more frightened. She doubled her steps and quickly arrived at the farmhouse. As they were about to eat, she heard the same sound for the third time. Hardly had they heard the third whistle sound than they were surrounded by rebels, some of whom wore combat fatigue and red and white bandannas, others wore plain clothes and bandannas. All of them carried guns. She was terribly frightened. Then the rebels started interrogating them about the whereabouts of the Kamajors and the ECOMOG forces. They said they did not know. The rebels kept harassing them to tell; they kept pleading in vain that they did not know. The rebels did not believe them. They accused her brother of being a Kamajor, he said he was not but they wasted no time with him. One of the rebels took out his dagger, slashed her brother's penis, put it in his mouth, the others beat him up mercilessly and finally killed him in her presence.

12. The rebels continued interrogating her about the hiding places of the Kamajors. She was crying and said she honestly did not know. She thought they would kill her. They said they would rape her because she did not cooperate. They stripped her naked; and then three of them raped her violently on the spot in the presence of her four-year old daughter. As they raped her, they insulted her and used all sorts of obscene language. As she was about to get up, she was ordered to remain lying down. She did and was raped for the fourth time. She was extremely worried and thought she was going to miscarry because she was experiencing abdominal pain. After the fourth one, one of the rebels told the others to stop raping her because she was pregnant. Then they ordered her to get up and carry a heavy load and follow them to a village called Waima.

13. During the journey, the rebels were insulting her and threatening her that the worst was yet to come. They accused her of being a Tejan-Kabba, ECOMOG and Kamajor supporter. They said that they had grievances because they had worked very hard for the country. Tejan-Kabba had refused to pay them, instead he had hired mercenaries to kill them, so she would pay the price for what Tejan-Kabba had done to them.

14. They finally arrived at Waima village at night after a long walk. The rebels gave her and her daughter food to eat. She told them she did not feel like eating, but they forced her to. At daybreak they left Waima for Jabayma Fiama. On the way, they came across a woman carrying a suitcase of her valuables on her head, apparently trying to escape. The rebels rushed towards her and scrambled for her belongings. FC noticed that they had forgotten about her and took advantage of this opportunity to escape from the rebels. She pulled her daughter hard and sneaked away. She walked the whole day and arrived at a camp around 4 p.m. She saw some women she had met before and told them that she was heading for her husband's village. They warned her not to proceed because the rebels were everywhere. They explained that the camp was a rebel camp for abductees. They were detained as slaves to cook and carry out any hard labour orders given by the rebels. They persuaded her that it was safer to stay with them. She decided to join them at the camp.

15. At 5 p.m., the rebels returned to the camp to have dinner. After dinner one of the rebels raped FC in the presence of everyone. At night, the rebels took all of them to a nearby village. They raped all the women at random; some were raped in the presence of their husbands. Women were gang-raped or raped multiple times. She was raped by four men that night, in the presence of her four-year-old daughter.

16. In the morning, they were taken to the camp and given diamba (marijuana) to boil. After boiling it, they were all ordered, including children and women who were pregnant (as she was), to drink it. After drinking the diamba, one of the rebels ordered them to form a queue, which they did. He was about to kill them, but another rebel stopped him. He ordered them to say "yes, sir" to whatever he said. He insulted them, as well as their parents, several times; they answered "yes, sir". He used all sorts of obscene and degrading language towards them; they answered "yes, sir". He asked if they had all enjoyed the "fucking" they received last night; they answered "yes, sir".

17. One morning, one of the abducted men in the camp encouraged them to escape as soon as the rebels left for their routine tour. They did exactly that; they took a bush path in the opposite direction the rebels had taken. That was how FC escaped.

18. FC continued her journey to her husband's village. She was with her four-year-old daughter. They walked for a week. She arrived at Loma, sick, with swollen feet and extremely exhausted. At Loma, she was told that her husband was in Guinea. She crossed over to Guinea to join him at the refugee camp. He was very happy to see her. On the third day after her arrival, she was very much confused and feared that, if she did not tell him her experience, he would hear about it from someone else. She mustered courage and confided in him. After he heard her ordeal, he rejected her and said that her pregnancy was cursed and contaminated. He disowned her, her four-year-old and the baby that was yet to be born. He said that the baby was a rebel baby. He blamed her for the rape and accused her of being promiscuous. He said she belonged to the rebels, not him. She pleaded with him in vain not to abandon her, but he was adamant. He threw her out of the house with her four-year old. Her husband, his other two wives and other members of the family said she should not stay with them because she was a shame to the family. She had nowhere to go. She was sleeping on the verandas and in the kitchens of neighbours with her child.

19. They were very ill. Every morning she went to a nearby hospital to beg for treatment, but did not receive any. She would hang around the hospital, crying out in pain and suffering. One day a woman from Action contre la Faim came to the hospital, found her crying and asked her what the problem was. She explained to her what she had gone through. The woman took her to Gueckedou hospital, where she was hospitalized for about four months until she had her baby. When she had the baby she asked the nurse to kill her by injecting her, because her husband would never accept her. She was encouraged by the senior nurse not to. After she was discharged, she pleaded with her husband again to accept her because of their nine children; and he did reluctantly. But their relationship has never been the same. He is maltreating her and he does not want to see the child. He has warned her not to come close because she is a disgrace to him. He has no affection for her. She says it is a very painful life. She is now living at Grafton camp.

20. K, a 30-year-old with a small baby, described how she was raped in the small prison inside the CDF headquarters:[3] "We were in the HQ all day and then at night they placed us in the guardroom [prison] and ordered us to pay a bail to be let free. From there they started picking out the women they wanted to use. About 20 CDF said 'either we kill you or we use you. Everything is left to you'. We told them we are not bad people. Those goods are what we work with, we are traders not rebels. Then a Kamajor called 'Z'(name withheld) forced me into the guard room and raped me on the hard ground and with my little baby next to me. I begged him and said he was supposed to be fighting for us, not killing us, but he said: 'Shut up, there's no one who'll ask me anything. I'm a government man. Even if I kill you, no one will know'. Next door I could hear my cousin, another trader from my village, screaming and being beaten. When she came out she was bleeding from four places on her head where they had beaten her with a flashlight. She had tried to resist but they still raped her. They stole all my rice and money and even the clothes I had bought in Freetown for my children."

III. BACKGROUND

21. Sierra Leone is a small West African country. It covers an area of 71,740 square kilometres, surrounded by larger neighbours, Guinea and Liberia and bordering the Atlantic Ocean. Fourteen ethnic groups live according to Islamic, Christian and animist traditions in Sierra Leone. Geographical-based tensions between the Mende in the south and Temne and Limba in the north, manipulated by politicians, were one of the causes of the progressive collapse of the State system since independence. The educated Krio minority initially occupied a higher social and economic position and have traditionally been resented by the other groups. The Mendes from the south took over control of the Sierra Leone People's Party (SLPP); the Temnes and Limbas from the north became drawn to the All People's Congress (APC).

22. Sierra Leone is one of the poorest countries in the world, despite having rich mineral resources. Diamonds have been a major factor in the cross-border war that has engulfed Sierra Leone for the past decade, and have financed the rebel movements. Years of civil war in Sierra Leone, preceded and interspersed with periods of poor and sometimes corrupt governance, have led to major weaknesses in infrastructure and services. Urban areas have become highly populated as a result of the arrival of large numbers of internally displaced persons (IDPs) from areas under rebel control.

History of events

23. Much has already been written on the recent history of Sierra Leone[4] and it is not the purpose of this report to provide a detailed history, but, to provide the context of the current situation, there follows a short chronology of events.

24. Sierra Leone gained independence from the British in 1961. In 1991, the dire economic and political conditions in the country were the setting for the emergence of the Revolutionary United Front (RUF), which claimed to be a political movement that had the aim of saving the country from the corruption of the APC. In 1992, the APC regime was overthrown in a military coup. Subsequent international and local pressure led to democratic elections in 1996, which were won by Tejan Kabbah. The struggle between the RUF and three successive governments raged throughout the 1990s against the backdrop of three decades of State disintegration. Under President Kabbah, the Civil Defence Force (CDF), a pro-government militia, was strengthened to protect government held areas against the rebels. In May 1997, the Sierra Leone Army (SLA) overthrew Kabbah, formed the Armed Forces Revolutionary Council (AFRC) and joined forces with the RUF. In March 1998, the Military Observer Group of the Community of West African States (ECOMOG) ousted the AFRC/RUF regime and reinstated Kabbah.

25. Between 1996 and 1999, three separate negotiation processes between the Government and the RUF failed to bring peace to Sierra Leone.

26. Systematic and widespread rape and other sexual violence has been a hallmark of the conflict in Sierra Leone. Sexual violence has been directed against women of all ages, including very young girls. Thousands of cases of sexual violence have been reported, including individual and gang rape, sexual assault with objects and sexual slavery.

27. In January 1999, the RUF/AFRC invaded the capital, Freetown. During this rebel offensive, there were hundreds of reports of women and girls being rounded up and brutally raped. The rebel forces also abducted several thousand civilians from Freetown at this time. Of the women and girls who were abducted, it is estimated that more than 90 per cent were raped. Many girls subsequently released were pregnant, had given birth or had contracted sexually transmitted diseases.

28. In 1999, the international community brokered a cease fire, which led to the signing of the Lomé Peace Agreement, a power-sharing agreement between the Government and the Revolutionary United Front (RUF) that granted amnesty to all combatants, except those who had committed crimes of genocide, crimes against humanity or war crimes. The United Nations Mission in Sierra Leone (UNAMSIL) was established to assist in the implementation of the Peace Agreement. The Peace Agreement brought about a relative reduction in many of the worst abuses, except for sexual assault against women and girls, which continued unabated.

29. In May 2000, the RUF took 500 United Nation Peacekeepers hostage, sparking renewed fighting. As the peace process collapsed and fighting escalated once again, all sides in the conflict - the RUF and rebel militias, and, increasingly, pro-government forces - committed horrific crimes against the civilian population, including systematic and widespread sexual assault, rape and mutilation of women.

30. Following this development, the Security Council adopted resolution 1315 (2000) on 14 August 2000, in which it requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create a special independent court. The court will exercise jurisdiction over those individuals who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed in Sierra Leone.

31. In September 2000, the RUF staged cross-border attacks into neighbouring Guinea. Guinean armed forces subsequently invaded Sierra Leone to dislodge the RUF. Two ceasefire agreements were signed between the RUF and the Government of Sierra Leone. Under the Lomé Peace Agreement, the Truth and Reconciliation Commission (TRC) is only one of the various bodies created as part of the framework for national reconciliation and the consolidation of peace. Among the other institutions are the Committee for Humanitarian Assistance, the Committee for the Consolidation of Peace, the National Commission for Disarmament, Demobilization and Reintegration and the Human Rights Commission.

32. In 2001, President Kabbah's public declaration of his intent to extend his Government's mandate by six months in order to organize elections[5] provoked a strong reaction from the RUF leadership, including threats that they would discontinue participation in the disarmament process if an interim government was not put in place. At the time of the Special Rapporteur's visit the situation remained relatively stable and the peace process continued. However, there were continuing reports of CDF attacks against RUF held villages in the Kono and Koinadugu districts, as well as of an RUF attack against Henekuma village that had taken place in July 2001.

Status of women

33. Sierra Leone ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1990. To date, however, no reports have been submitted to the Committee on the Elimination of Discrimination against Women (CEDAW). The Special Rapporteur recommends that the Government set up a working committee, including women's organizations, in order to prepare reports and to implement any recommendations made by CEDAW. The Special Rapporteur welcomes the National Policy on the Advancement of Women and the National Policy on Gender Mainstreaming and encourages the Government to implement these policies and eliminate any gender-specific obstacles to the equal enjoyment of rights and freedoms, in order to make a real difference to women's lives, in compliance with its international obligations.

34. Even before the conflict, women in Sierra Leone had been marginalized in all spheres of life. Some of the reasons for this were low or no literacy, poverty, lack of capacity to participate in decision-making and cultural constraints, all of which contributed to the low status of women in society. The conflict has exacerbated the problem by creating many female headed households which face, inter alia inappropriate shelter conditions, family separations and legal inequality, for example discrimination under the law in regard to property ownership and inheritance rights.

35. The Special Rapporteur is also concerned that harmful traditional practices continue in Sierra Leone. Female genital mutilation (FGM) is widespread and is part of the initiation into the "Bundu society". One survey indicated that it affected as many as 89 per cent of women.[6] Some African defenders of the practice explained to the Special Rapporteur that this was about "being a woman the African way". They felt that eradicating FGM would strike at the heart of Sierra Leone society. The Bundu society is an integral part of the initiation of young women and, besides undergoing FGM, they are taught the skills and practices of Sierra Leone culture. Nevertheless the health problems associated with FGM have been widely discussed by, amongst others, the World Health Organization. These problems include pain, because no local anaesthetic is used; haemorrhage and shock due to the sudden blood loss and unexpected pain; acute urinary retention, which leads to urinary tract infection; the use of unsterilized equipment and the application of local dressings of cow dung and ashes; septicaemia (blood poisoning), fever, tetanus and death. Other complications that may arise well after the operation are delay in the wound healing, infection of the urinary tract, difficulty in urinating and difficult penetration during sexual intercourse. In terms of her reproductive health, the circumcised mother may face prolonged and obstructed labour due to the tough post-circumcision scar, and unnecessary Caesarian sections. The child may be stillborn or suffer from brain damage as a result of the prolonged and obstructed labour. Both CEDAW and the Committee on the Rights of the Child affirm the right of the girl child to be free from harmful traditional practices, including FGM. It is therefore essential that the Government of Sierra Leone take effective action against this practice.

Legal framework

36. Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights. Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and signed the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Government of Sierra Leone signed, on 8 September 2000, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography. In addition, the Government has committed itself to prohibiting the recruitment and use of child soldiers by the army of Sierra Leone.

37. Despite its plethora of international obligations, the accompanying legislation to incorporate the international obligations in domestic law is reportedly lacking.

38. Years of civil war in Sierra Leone, preceded and interspersed with periods of poor and sometimes corrupt governance have led to major weaknesses in infrastructure and services. In particular, the Sierra Leonean domestic judicial process is weak and gender insensitive; juvenile justice procedures are barely existent. Police forces and prosecutorial mechanisms are poorly equipped; legal defence capacity is weak. The Government of Sierra Leone and the international community must strengthen the national judicial process as part of efforts to rehabilitate the country.

39. Sierra Leone has a dual judicial system of formal and customary law. The Constitution provides for the equal treatment of men and women, but the rights and status of women vary considerably under customary law. Furthermore, under the current state of emergency powers the Government has suspended many of the rights and guarantees which the Constitution contains. Political prisoners have been detained under the powers without legal counsel or access to their families.

40. Gender discrimination exists in the law, inter alia in regard to property ownership and inheritance rights. It has been shown that the denial of inheritance rights, and the resulting economic vulnerability and tenure insecurity, often prevent women from leaving abusive situations in which they are subject to physical, sexual and/or psychological violence. With the increase in female headed households caused by male fatalities during the conflict, women and girls often lack either the legal means or the cultural community support with which to reclaim their property.

41. Rape in the community was a problem before the conflict, but with the conflict its incidence and prevalence have escalated. Women often remain silent out of shame, guilt, fear of reprisals and the futility of reporting given the lack of redress for gender-based violations. The expectation of impunity for violations of women's human rights encourages such violations. The most effective deterrent to sexual violence is to hold the perpetrators responsible for their crimes. Similarly, there is no specific law that protects women from domestic violence. The Government must take gender-based crimes seriously, in accordance with its international obligations to prevent, investigate and prosecute the perpetrators of such crimes.

IV. GENERAL FINDINGS

42. The Special Rapporteur took individual testimonies from women and girl survivors of gross violations of human rights committed by all the warring factions. UNAMSIL, human rights non-governmental organizations and academics have started to document gender-based violence cases to be submitted to the TRC and the Special Court, to ensure that violations of women's rights are recognized as gross and systematic violations of International Humanitarian Law. Their data was also shared with the Special Rapporteur.

43. According to statistics based on 733 testimonies collected from Sierra Leonean women and girls[7] 72 per cent of them reported having experienced human rights abuses. Over 50 per cent reported having been subjected to sexual violence; 47.1 per cent reported having been raped; 55.7 per cent reported having been gang raped; and 1.4 per cent reported having been raped with a foreign object. Other forms of violence reported included being forced to strip naked.

44. Slightly less than half of the interviewees (41.7 per cent) were abducted by the various factions. Of these interviewees, the majority (87.9 per cent) reported having been raped and subjected to sexual slavery; 8.2 per cent reported that they were forced to marry their abductor; 1.6 per cent reported that they were forcibly conscripted.

45. Of the 733 interviewees, 19.5 per cent were between 6 and 17 years old. Of these 4.9 per cent reported that they had been virgins when raped. The youngest rape victim interviewed was 7 years old, while the oldest was 72 years old. One hundred and twenty-four interviewees reported that their husbands had been killed during the conflict. Of these interviewees, 58.1 per cent of them reported having been raped.

46. The interviewees also reported having been subjected to other human rights violations, including forced labour, amputations, gunshot wounds, burnt dwellings, looted property and being intentionally burnt.

47. Given the widespread nature of the human rights violations, the interviewees complained of various conflict-related health problems. Of the 733 interviewees, 26.2 per cent reported such health problems. Of these, 78.6 per cent reported sexual violence-related health problems. Of the 345 women who reported rape 32 (9.3 per cent) reported forcible impregnation. Of the 32 women forcibly impregnated, 12 (37.5 per cent) had given birth, 3 (9.4 per cent) had lost children, 9 (28.1 per cent) had had a miscarriage and 8 (25 per cent) were pregnant at the time of the interview.

48. Of the 534 interviewees who reported human rights abuses, 389 women (72.8 per cent) were able to identify the faction(s) responsible for committing the abuses and the year the abuses occurred. Some were able to identify individual perpetrators in command positions within the RUF and AFRC.

49. According to information provided to the Special Rapporteur, the RUF and the AFRC were the worst perpetrators of violence against civilians, especially women and children, during the conflict and in the Northern Province the RUF continues to hold many abductees, the majority of whom are women and children. The Special Rapporteur calls on all parties to release all remaining women and girl abductees in their custody, in accordance with their obligations under article XXI of the Lomé Agreement.

50. Numerous testimonies also reported cases of gender-based violence, including gang rape perpetrated by the warring factions loyal to the Government. The scale and nature of abuses committed by ECOMOG and by the Civilian Defence Forces (CDF), the largest and most powerful of which are the Kamajors, differ from those committed by the other warring factions, but are no less horrific. After the signing of the Lomé Peace Agreement, abuses by the Sierra Leonean Army (SLA), including rape, extortion and excessive use of force, increased. The 1991 State of Emergency Act has reportedly been used by the Government to detain rebels without authorizing ICRC and other monitoring groups access to them.

51. Women and girls have not only been victims but also perpetrators. Atrocities committed by a small number of women have been documented. According to reports (inter alia, E/CN.4/Sub.2/2000/21) in January 1999, a local rebel commander ordered all virgin girls to report for a physical examination. The girls were checked by a female companion of the commander, who "verified" whether they were virgins. The role of women in this capacity has been limited and the testimonies suggest that most did not act voluntarily. Many claim they were abducted, forced to watch the execution of their loved ones and then taken and trained to fight.

52. Rape, sexual slavery and other forms of sexual violence have been directed against women and girls of all ages, including very young girls. A survey of 226 victims, conducted by the University of Sierra Leone Gender Research and Documentation Centre in collaboration with the Sierra Leone Association of University Women (SLAUW), Médecins Sans Frontières, UNICEF and the Forum for African Women Educationalists (FAWE),[8] found the average age of rape survivors to be between 12 and 32 years.

53. Women and girls were brutally raped and gang raped by members of the warring parties or raped with objects, such as burning sticks. In some cases the same woman was abducted and raped multiple times by different groups. The crimes of sexual violence were often accompanied by other forms of violence. Murder or mutilation often accompanied the rape. Many were forced to work as porters and witness their family members being raped, having limb amputations, being abducted or being murdered. Reports have been received that pregnant women were targeted. Mutilated bodies of pregnant women whose foetuses had been cut out of their wombs or who died of gunshot wounds to the abdomen were found. Pregnant women were also forced into labour by the extreme physical hardship of having to flee their homes, and at times died in flight from complications in childbirth.

54. Many of the incidents of rape took place when victims were abducted and forced to become sexual slaves (forced into marriage, domestic servitude or other forced labour that involves forced sexual activity, including rape by their captors) or "bush wives" of their captors, as well as being forced to fight in some cases. Those attempting to resist the abduction of a family member were beaten, maimed or killed.

55. Particularly vulnerable were young women between the ages of 14 and 18 who were sought after and targeted for being virgins. The rebels often entered homes and asked for virgin girls. The virgins were given to the younger fighters. Girls, some as young as 4 years old, were abducted by rebel forces and forced to be sexual slaves. Many survivors testified to seeing girls bleed to death after gang rape. Those who testified to the Special Rapporteur spoke of being shared among the combatants, who would rape them on a daily basis. Those who did not manage to escape often tried to attach themselves to one rebel, to avoid constant gang rape, be given a certain amount of protection, and be subjected to less hardship. Many became pregnant, had children and stayed with the rebels for years, and often suffered other forms of physical violence.

56. After rebel forces attacked Freetown on 6 January 1999 many people reported rape of groups of girls and women in public places. Girls and women were rounded up in different parts of the city and forced to report nightly to rebel commanders. It is reported that in some cases rebel commanders ordered all girls who were virgins to report for a physical examination by a female colleague. Those confirmed to be virgins, mostly aged between 12 and 15 years were ordered to report each night to the rebel commander and other combatants, who raped and physically assaulted them. Some of the girls were abducted when the rebel forces were forced to retreat from Freetown. More than 4,000 children were reported missing after the rebel incursion into Freetown in January 1999. According to reports received by the Special Rapporteur, more than half of the children abducted in January 1999 were girls, the vast majority of whom were reported to have been sexually abused.

57. Victims described the widespread use by rebels of drugs (cocaine), marijuana and alcohol. Women abductees reported being forcibly cut and injected with drugs, or being given food and drink laced with drugs.

58. Refugees from Sierra Leone (as well as from Liberia) who sought refuge in Guinea were also victims of violence. According to information received, following a statement on national radio by the President of the Republic of Guinea on 7 September 2000 blaming refugees for sheltering armed rebels who had allegedly carried out attacks on Guinea from Sierra Leone and Liberia, mobs attacked thousands of refugees in the capital, Conakry. Many refugees were forced out of their homes and beaten. There were also credible reports of rape and sexual abuse of women and girl refugees by Guinean police, soldiers and civilians, in many instances by multiple attackers. Non-governmental organizations collected numerous testimonies of victims. Following rebel attacks from September 2000 in the forest region of Guinea, thousands of refugees fled, seeking shelter in local villages and some opting to return to Sierra Leone despite the uncertain situation. Before and during the movement back to Sierra Leone, some of the women were taken by the rebels as sex slaves. They were subjected to sexual, physical and psychological abuse. Men were also captured to fight with the rebels or carry loads, leaving women to head families and exposing them to sexual abuse and exploitation. Eighty-seven per cent of returnees are unable to return to their areas of origin because they are unsafe. They are taken to UNHCR run camp settlements or host communities, depending on their area of origin.

Social consequences

59. The extensive and systematic sexual abuse of young girls and women is one of the most painful and traumatic legacies of the conflict. It is also the one that has been least addressed by the international community, the focus being on child ex-combatants and amputees. The victims' trauma is compounded by social stigma, rejection by their communities and reluctance to address the issue. A special programme is needed to address the special needs of this group of victims, including their health needs. Such a programme should also include a campaign of sensitization of local communities.

Health

60. In addition to the trauma of the rape itself, which may cause life-long psychological damage to the victim, sexual assault can result in serious physical injury, forced pregnancy, disease and death. All victims of rape and other forms of sexual violence suffer trauma and almost all will require medical treatment for the physical injuries inflicted on them during the ordeal.

61. A significant number of the young women and girls who were victims of sexual violence were impregnated, adding to the growing number of child mothers in Sierra Leone. Many of the girls are suffering from vesico-vaginal fistula (VVF) which is clearly identified as a result of rape and child-bearing when their bodies are still immature. Mothers whose pelvis and birth canal are not fully developed often endure very prolonged labour. Unless the mother receives emergency obstetric care, relentless pressure from the baby's skull can damage the birth canal, causing breakages in the wall that allow uncontrollable leakage from the bladder into the vagina.

The same problem may also occur in relation to the rectum, with leakage of faeces (recto-vaginal fistula or RVF). Fistula conditions are permanent without surgical intervention to reseal the tissues. Such intervention may not be sought or may be very hard to access in Sierra Leone. There is also evidence that FGM practices that damage the vagina may also increase the likelihood of VVF.

62. Obstetric and gynaecological care for victims of sexual violence and young mothers must be made available urgently. Poor quality of care and inaccessibility of services, and high costs are all major obstacles. The Government must create a gender sensitive health policy and programme environment to address women's and girls' needs, in particular health needs resulting from the conflict.

63. As a consequence of widespread sexual violence during the conflict, it is predicted that the number of HIV-infected persons and AIDS-related deaths will rise dramatically. Reports signal a potentially grave health situation for the nation if resources are not provided for an intensive and sustained educational campaign. Access to health care is inadequate owing to lack of availability of heath facilities and medical personnel, and the cost of treatment. Furthermore, there is a serious imbalance in favour of Freetown. In the rural areas the majority of people use traditional healers and traditional birthing attendants.

64. WHO is providing basic assistance, but it is very limited. The health infrastructure is non-existent following years of corruption and conflict. Sierra Leone is in desperate need of international assistance in regard to both financial and personnel resources. Under the Lomé Peace Agreement, the parties made a commitment to set up a special fund for war victims. There is an urgent need for the fund to be established and it should give particular priority to the special needs of sexually abused women and girls.

Refugees, the internally displaced and humanitarian assistance

65. International organizations and local NGOs are working in Sierra Leone to address the complex humanitarian emergency that has emerged from the ongoing conflict. The situation of IDPs in Sierra Leone is of serious concern. As observed by the Secretary-General in his twelfth report to the Security Council on the United Nations Mission in Sierra Leone (S/2001/1195), the refugee and internally displaced persons crisis in and around Sierra Leone is one of the most serious human rights, humanitarian and political crises facing the international community. In total, there are over 1 million refugees, internally displaced persons and other war-affected victims in Sierra Leone, Guinea and Liberia. According to information from the Office for the Coordination of Humanitarian Affairs (OCHA), as at August 2001 there were some 126,959 IDPs residing in camps, 120,631 IDPs in host communities (communities that are formally supported by the food pipeline agencies (the World Food Programme (WFP), Catholic Relief Services, CARE and World Vision)) and UNHCR was formally supporting 75,580 returnees with humanitarian assistance.

66. The UNAMSIL Human Rights Section estimates that IDPs in recognized camps number 130,000. However, there are no statistics for the numerous newly discovered IDPs in rebel held areas. Although the data has not been disaggregated by gender, the majority of IDPs are women and children.

67. UNHCR has stretched its mandate to include "returnees". In this context, a returnee is a person who has been a refugee outside the country, has returned to Sierra Leone and is at present in need of humanitarian assistance. IDPs who are returnees from either Guinea or Liberia would fall into this category. UNHCR collects Sierra Leonean refugees, brings them back to Sierra Leone and holds them in returnee camps. This is supposed to be a temporary arrangement for five days, after which they will be relocated to their villages or IDP camps. However, people generally do not want to be uprooted again, and remain in the returnee camps for many months. According to information received, the returnee camps have even fewer facilities than the IDP camps and living conditions in them are very poor.

68. The management of the IDP camps is national, under the NCRRR. OCHA coordinates international humanitarian assistance.

69. The Special Rapporteur visited Grafton IDP camp, outside Freetown, which has a population of 7,572 officially recognized residents and 1,602 unofficial residents. Official status means that residents are provided with WFP ration cards and have access to the food assistance provided. According to information received, new arrivals remained with unofficial status and were unable to receive food assistance owing to the fact that at the time of the previous delivery of food supplies, WFP had come without the requisite documentation to register them. World Relief is said to be managing the camp, WFP provides food, Action Contre la Faim provides water, Médecins Sans Frontières Holland provides health care and organizes psycho-social counselling, and Plan International provides educational facilities. The monthly food supply per person consists of 9 kg of maize meal, 4 cups of beans and some oil. One booth is given to each family (approximately eight or nine people). There is one clinic in the camp, with no doctor, just three nurses. The only guaranteed health assistance is provided by the traditional birthing attendants. Serious medical cases can be referred to hospital, where they are treated at the patients' own cost. Educational services consist of one primary school with 1,966 students and 28 teachers, who are IDPs. There is no high school or training for adults. For the security of camp residents there is one police post, but residents say that it is rarely manned.

70. The conditions in the IDP camps are desperate. In one of the camps visited by the Special Rapporteur, the camp manager reported an increase in infant mortality and reported that two children died a day as a result of the extremely poor living conditions. Overcrowding and insufficient food and medical care are among the most urgent concerns. The medical care that exists is very basic, consisting of traditional birth attendants, who operate a system of referral to local hospitals which is supposed to be free but, the Special Rapporteur was told, in practice is not. Security is another concern. Rape in the camps is common; families reportedly settle matters themselves through the payment of money. The majority of the women interviewed by the Special Rapporteur were female heads of household and were struggling to make a living selling firewood which they collect in the hills behind the camp. Others said they were forced to work as prostitutes to have enough food for themselves and their children to survive. More needs to be done to provide alternative forms of employment. The ration card system did not appear to be operating correctly, with one card having to be shared among numerous persons.

71. The humanitarian assistance provided in UNHCR-run camps visited by the Special Rapporteur seemed to be much better. A review should be undertaken of the living conditions in the different camps to urgently improve the assistance provided, in line with the government and international community commitments. Projects for survivors of gender-based violence should be supported and strengthened (see section IV below on social support for victims).

V. ACCOUNTABILITY AND IMPUNITY

72. There is growing recognition of the central importance of combating impunity in order to achieve a sustainable peace in Sierra Leone. The Truth and Reconciliation Commission (TRC) and the Special Court are being established in the context of the end of a protracted civil war and efforts to achieve some form of national reconciliation. The Special Rapporteur urges all concerned to ensure that a gender perspective is integrated into the work of the TRC and the Special Court.

73. The TRC is in the process of being established to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their stories, and obtain a clear picture of the past in order to facilitate genuine healing and reconciliation. In a spirit of national reconciliation, the Commission will address the question of human rights violations since the beginning of the Sierra Leonean conflict in 1991 and will, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations. Membership of the Commission will be drawn from a cross section of Sierra Leonean society, with the participation of and some technical support from the international community.[9] The Special Representative of the Secretary-General is in the process of selecting national candidates for the TRC, and it is hoped that it will be functioning by the end of 2001.

74. Pursuant to Security Council resolution 1315 (2000), there is an agreement between the Secretary-General and the Government of Sierra Leone for the creation of an independent special court to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity,[10] war crimes and other serious violations of international humanitarian law,[11] as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996. (At the time of the Special Rapporteur's visit, the Government had requested that the temporal jurisdiction of the court be extended, in line with that of the TRC, to the beginning of the conflict in 1991; at the time of writing this report a decision had not been made on whether to extend the temporal jurisdiction or not.) The Office of Legal Affairs at the United Nations Headquarters in New York is charged with the Special Court's establishment. It should be noted that the decision not to prosecute a person alleged to have committed acts covered by the Special Court (whether under the minimum age provisions of the court's statute or by prosecutorial decision) does not imply innocence or prevent the person's prosecution in domestic courts.

75. The Special Rapporteur emphasizes the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission, including with respect to the involvement of women witnesses in their processes, and to ensure that a gender perspective is integrated into the work of both bodies, in accordance with the standards set in the Rome Statute of the International Criminal Court (ICC). Given the specific nature of the human rights violations

perpetrated in Sierra Leone it is imperative that there is compliance with the international standards for an international court, including a gender-balanced composition, and judges with specific knowledge of gender-based crimes.[12]

76. The views of the women survivors who testified to the Special Rapporteur differed on the punishment of perpetrators. Roughly half of the survivors thought the perpetrators should be punished, the rest thought the perpetrators should not be punished. The most common reasons given by the women for not punishing the perpetrators were, "in the spirit of reconciliation", fear of reprisal, lack of confidence in the justice system or that they wanted to forget the incident. However, the same women also expressed a fear of meeting the perpetrators in their villages, so there was a degree of conflict in their responses. The Special Rapporteur feels that in these circumstances a victim and witness protection unit is crucial. The ICC Rome Statue makes specific provisions for a victim and witness unit, which will "provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims and others who are at risk on account of [their] testimony." The unit should also include staff with expertise in trauma, including trauma related to sexual violence.

77. The Lomé Peace Agreement granted a general amnesty for all crimes committed during the conflict, including sexual violence. The Special Representative of the Secretary-General made a reservation to the peace agreement indicating that the United Nations did not recognize the amnesty as applicable to crimes of genocide, crimes against humanity, war crimes and other serious violations of human rights and humanitarian law. On 14 August 2000, the Security Council adopted resolution 1315 (2000), in which it requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court and recommended that the subject matter jurisdiction of the court should include notably crimes against humanity, war crimes and other serious violations of international humanitarian law. Rape by combatants in the conduct of armed conflict is a war crime and, when committed on a systematic basis or when widespread, is a crime against humanity and should come within the jurisdiction of the court. The Special Rapporteur urges that the Government ensure that sexual violence, slavery, abductions and mutilations will receive a judicial response suitable to the gravity of the crimes.

78. It should be noted that while the peace accord offers amnesty to those persons who committed abuses during the war, such amnesty would pertain only to criminal prosecutions within the domestic jurisdiction of Sierra Leone, and only to acts preceding the effective date of the amnesty. Thus, crimes of gender based violence must be investigated and documented for possible criminal prosecution in the domestic courts of other States which may have jurisdiction, and for possible civil action in Sierra Leone. Once constituted, the Truth and Reconciliation Commission of Sierra Leone also should devote attention to documenting crimes of sexual violence committed during the conflict and should propose remedial actions to be taken by the Government of Sierra Leone, with support from the international community.

79. Women have been the main victims of the war and as such must be encouraged to attend the TRC and the Special Court and to testify either in public or, in appropriate cases, in camera. Women's organizations hope that a gendered approach to women's testimony and cases before the TRC and Special Court will begin the process of sensitizing national institutions/the criminal

justice system to the unique problems posed by gender-based human rights abuses. The TRC presents a unique opportunity to develop an accurate account of and statistics on gender based violence and the ways women suffer as a result of armed conflict. The success of the TRC and the Special Court will depend on how well they address the needs of women and how actively women participate in the process.

80. The Special Rapporteur stresses the importance of women's participation in rebuilding the country, noting that women have been at the forefront of political development in Sierra Leone. Their role in national consultative conferences in 1995, the conferences that forced the NPRC military government to hand over power to the democratically elected government, is well known.[13] The TRC and the Criminal Court are an opportunity for women again to overcome any barriers and raise their voices.

VI. SOCIAL SUPPORT FOR VICTIMS

Government programmes

81. Article XXVIII of the Lomé Peace Agreement provides for the Government, through the National Commission for Rehabilitation, Reconstruction and Reintegration (NCRRR) and with the support of the international community, to provide appropriate financial and technical resources for post-war rehabilitation, reconstruction and development. The Lomé Agreement notes that women have been particularly victimized during the war and states that special attention should be accorded to their needs and potential in formulating and implementing national rehabilitation, reconstruction, and development programmes, to enable them to play a central role in the moral, social, and physical reconstruction of Sierra Leone.

82. The Special Rapporteur's Sierra Leoneans interlocuters communicated their concern to her with regard to the overall implementation of the programmes established under the Lomé Agreement. The non-governmental organizations told the Special Rapporteur that there was a vast difference between the Agreement and reality.

83. In the rehabilitation process, special programmes need to be designed for women who have been abducted - so-called "camp followers". In resolution 1314 (2000) on children and armed conflict of 11 August 2000, the United Nations Security Council underlined the importance of giving consideration to the special needs and particular vulnerabilities of girls affected by armed conflict, including, inter alia, those heading households, orphaned, sexually exploited and used as combatants and urged that their human rights, protection and welfare be incorporated in the development of policies and programmes, including those for prevention, disarmament, demobilization and reintegration.

84. To date the disarmament, demobilization and reintegration (DDR) process has overlooked the protection needs of camp followers, as evidenced by the clear lack of policy and procedural guidelines on camp followers. The lack of a clear policy has meant that responsibility for their welfare has fallen between government institutions (NCDHR and

NCRRR) and implementing agencies, resulting in an ad hoc, inappropriate and inadequate humanitarian response. For example, ad hoc arrangements are being made with WFP to treat them as IDPs and distribute food to them. But a more systematic, holistic package needs to be designed to meet their specific needs.

85. Camp followers can broadly be defined as female adults and children who have been abducted by combatants. Adult camp followers include abducted women who have been forced to marry a combatant (bush wives) and become his sex slave, as well as perform domestic chores (cook, clean, carry loads). Many women were originally abducted as girls and coerced into relationships as bush wives. In addition, many women camp followers have given birth to children in the bush. Families provide for the social needs of the combatants and it is therefore often in the interest of combatants to retain control over camp followers. There is a need to interview women separately so that they are able to give their own opinion. This has been done successfully in the form of pre-discharge orientation for women, which has been introduced in some demobilization camps.

86. Women who want to leave the ex-combatants have few alternative economic or social options. They are very vulnerable as a group, with little or no alternative means of support. They are often unable to return to their villages of origin out of fear, lack of funds and social stigma, especially if they have given birth to children in the bush. The women are therefore forced to remain in situations in which they are vulnerable to continuing abuse. The lack of alternative means of support underscores the urgent need for the relevant government departments, in consultation with donors and implementing agencies, to establish policy and procedural guidelines on how to provide immediate (shelter, food, medical care) and longer-term protection (education, livelihood start-up assistance and employment-based schemes) for this group.

87. With the increase in breakdown of the family structure due to displacement and poverty, thousands of young girls are turning to prostitution. Many victims of rape and abduction turn to prostitution as they feel this is the only option available to them. Controlled by pimps, these girls are selling themselves on the streets and in bars and hotels. The clients are military personnel (national and international), rebel forces, police and other security personnel, expatriate workers, seamen, miners, truck drivers, etc. Support is needed to facilitate the economic empowerment of women and girls, including skills training programmes that will enhance their competitiveness in the market economy (for example, computer training or training in carpentry, business management and farming).

88. The Special Rapporteur raised with UNAMSIL the issue of misconduct by peacekeepers. It is reported that any alleged misconduct by peacekeepers is investigated by an UNAMSIL committee. At the time of the Special Rapporteur's visit, inquiries were being made by the DFC into three cases of alleged misconduct. ECOMOG troops were also accused of having second families in Sierra Leone.

Human rights activities of the United Nations in Sierra Leone

89. The UNAMSIL Human Rights Section is a collaborative venture between the Department of Peacekeeping Operations (DPKO) and the Office of the High Commissioner for

Human Rights (OHCHR) based on the Memorandum of Understanding between the two offices. The Human Rights Section monitors the human rights situation in Sierra Leone and provides technical assistance in building the capacity of national institutions. The Section also assists OHCHR to implement its mandate to establish the TRC and is working to sensitize the population to the need for the TRC, including through launching a sensitization campaign. The Section conducts human rights training for United Nations agencies, the Sierra Leonean police and the Sierra Leonean army. The training focuses on the basis of international humanitarian law, with special emphasis on the treatment of civilians during armed conflicts, the issue of criminal responsibility for war crimes, crimes against humanity, gross human rights violations and the consequences of such violations under international law. The Special Rapporteur recommends that the training should be extended to non-State actors.

90. At the time of the Special Rapporteur's visit in August 2001 the Human Rights Section was trying to recruit a new gender adviser to the team, but as of the time of finalization of this report, December 2001, the post has unfortunately still not been filled. UNAMSIL should recruit someone who will be able to work with the Government of Sierra Leone to establish procedures for the TRC and Special Court that are gender sensitive and to ensure that rape and other forms of gender-based violence are treated as priority crimes. UNAMSIL is working with the Government to strengthen the laws that protect women and, in the light of the poor response to rape cases, UNAMSIL is also working with the Commonwealth police, who have recently established a family unit to educate the local police on sexual and domestic violence in the community.

91. UNAMSIL and Physicians for Human Rights have conducted an assessment of the prevalence and impact of sexual violence and other human rights abuses among IDPs in Sierra Leone. The report, "War-related sexual violence: a population-based assessment", containing the findings of the study is due to be released in early 2002.

92. Unfortunately, there is no UNIFEM office in Sierra Leone, despite the enormous problems women in the country face. Given the UNIFEM mandate relating to violence against women and armed conflict, such an office would help focus attention on the needs of women victims and help coordinate strategies among United Nations agencies with regard to women victims of violence. The Special Rapporteur strongly recommends the setting up of such an office.

93. UNICEF chairs a committee on sexual violence comprised of international, local and government agencies which addresses the problem of sexual and gender-based violence for children. The Special Rapporteur would encourage the committee to expand its scope to include all organizations working on sexual violence, so that they can plan to help all women and girl survivors. The committee has provided sensitization sessions for ECOMOG and UNAMSIL, and acts as a referral system for women and girls who were abducted and raped during the conflict.

94. The Women's Helpline Centre, which opened in Freetown in July 2001, is an interagency initiative to address the problem of sexual and gender-based violence. It consists inter alia of organizations dealing with gender-based violence, police, lawyers and doctors. At the time of

the Special Rapporteur's visit, it was too early to determine its success, but the Special Rapporteur supports the aim of the Helpline to create centres around the country where women survivors of violence can go for counselling, medical and legal support and assistance.

95. UNHCR supports local NGO programmes to assist returnee women in the reintegration process, including a programme implemented by the Forum for African Women Educationalists (FAWE);[14] FAWE which stresses counselling and trauma healing, medical, education and income-generating activities for survivors of sexual and gender-based violence. FAWE is providing information to returnees at entry points and in transit centres and settlement areas. Its other activities include raising awareness about the adverse effects of sexual and gender-based violence, identifying survivors, and establishing linkages with partners working on the issue at the port and in transit centres and settlements.

96. In the Guinea-Sierra Leone operation the UNHCR emergency response teams included for the first time a gender specialist, who had the task of providing practical and policy advice to strengthen the gender responsiveness of the operation.

97. Most non-governmental organizations working on gender-based violence are providing treatment, although there has been an increase in those documenting abuses and working to improve the protection and status of women through education and institutional capacity building.

98. The Special Rapporteur visited Cooperazione Internationale (COOPI) an Italian NGO which helps children who have been released by the rebels and operates several interim care centres where family tracing services, medical care, counselling and skills training are provided. COOPI is working actively to sensitize communities and families to be more accepting and supportive of young mothers who have been the victims of violence and their babies. COOPI has also established psycho-social teams which make house calls in IDP camps and host communities, and have created self-help groups in a number of IDP camps. The Special Rapporteur would encourage donors to fund this and other similar initiatives to assist women and girl survivors of gender-based violence.

99. The International Rescue Committee (IRC) is providing comprehensive maternal and child health services (including sexual and gender-based violence services) and is operating an interim care centre for former child soldiers in Kenema district. IRC was the first international NGO to focus on sexual violence, beginning in November 1999. IRC has been providing SGBV (sexual-and gender-based violence) services under the umbrella of a safe motherhood programme, which addresses basic reproductive health. The IRC team trains core groups of local women, who reach out to their chiefdoms. They use reproductive and maternal/child health as an entry point to introduce the subject of gender-based violence.

100. Médecins Sans Frontières (MSF), an international medical relief organization, has been providing a range of health care and psychosocial services in Sierra Leone. MSF - Holland released a report documenting high levels of trauma among the population and has since advocated for donors to provide more funds to treat post-traumatic stress among the general

population. It also identified the need for specialized surgery for VVF and RVF cases. MSF has been providing referral services for FAWE and other members of the sexual violence committee, and has supplied medication required by participants in the programme.

101. The International Medical Corps (IMC) is focusing on providing health care to ex-combatants, dependents of fighters, the displaced and the community at large. Reproductive health services, including the treatment of sexually transmitted diseases, are offered at IMC clinics, IMC health workers have identified a need among their patients for specialized VVF and VRF surgery. While the organization has secured a place at Lunghi hospital, there is a need for an expert surgeon, some additional equipment, and referral/transport assistance for patients from Freetown.

102. Civil society and the women's movement in Sierra Leone, which promoted the 1996 elections, suffered a setback when many leaders were forced to flee when the AFRC/RUF took over Freetown. However, at the time of the Special Rapporteur's visit women and human rights organizations were again starting to play an important role in the peace process and in rebuilding the country. The UNAMSIL human rights training specialist is working with the 50/50 group, a political NGO dedicated to advancing women's participation in Sierra Leonean politics, having recently completed a series of training courses for women funded by the British Council.

103. Several NGOs and academics are undertaking research on and documenting cases of violence against women. Women's organizations such as FAWE, the Sierra Leone Association of University Women (SLAUW), the National Displaced Women's Organization, and Legal Access for Women Yearning for Equal Rights (LAWYER) should be consulted in the process.

104. The National Forum of Human Rights is a consortium of local human rights groups and organizations working for the promotion of human rights nationwide. The Forum has been active in the peace process and calling for the Truth and Reconciliation Commission to address human rights abuses committed during the conflict and impunity.

105. The Campaign for Good Governance (CGG) is an NGO that works to facilitate the full participation of all Sierra Leoneans in the political, social and economic development of their country. CGG has been at the forefront of fighting for gender equality and is interested both in improving women's lives by enhancing their status as a group and as individuals and in improving national government and civil society by involving women at all levels. It played a critical role in the success of the 1996 democratic elections. CGG has also been addressing gender-based violence in various ways, including through efforts to change trial procedures, which required victims to testify in front of their rapist.

VII. CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

A. At the national level

106. The Special Rapporteur calls on all parties to take measures to protect women and girls from rape and other forms of sexual violence, including by instructing all the warring factions to respect international humanitarian law; to state publicly that rape in the conduct of armed

conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances; to state publicly that anyone who commits rape will be brought to justice; and to investigate all reports of rape and other forms of sexual violence and prosecute those alleged to have committed such crimes.

107. The Special Rapporteur urges all parties to release immediately all girls, women and other civilians who remain held against their will, and to ensure that no further abductions take place.

108. In accordance with Security Council resolution 1325 (2000), women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. In this regard, the Special Rapporteur commends the efforts of the Mano River Union Women's Peace Network towards regional peace.

109. The wartime experiences and post-conflict needs of women and girls must be fully taken into account in the formulation of repatriation and resettlement plans, as well as during the demobilization and disarmament process. The necessary conditions must be provided to enable those women and girls who were forced to become the sexual partners of members of the rebel forces (so-called "bush wives") to leave demobilized combatants, if they wish to. Financing and humanitarian organizations also need to recognize the special needs of the dependents of combatants or camp followers and not only the combatants themselves. Currently there only exist ad hoc arrangements made with WFP to cater for them as IDPs.

110. Rehabilitation programmes must take into account the widespread nature of sexual assault and rape and formulate programmes to address the specific needs of survivors. Programmes must also be developed for the special needs of female ex-combatants. Special initiatives must be developed to ensure that the security and subsistence concerns of war widows and other female heads of household are adequately addressed.

111. The Government, in conjunction with women's non-governmental organizations, should launch a public awareness campaign on violence against women, inter alia to highlight that the crime of rape dishonours the perpetrator, not the victim.

112. The failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women in Sierra Leone, including rape and domestic violence. The Special Rapporteur is concerned about the criminal justice system in relation to women, and the reported low level of conviction for rape and other forms of gender-based violence. The Government must intensify its efforts to combat violence against women, through comprehensive measures, including gender sensitive training of the criminal justice system. The Statute of the ICC, known as the Rome Statute makes explicit that rape and other gender-based violence are among the most serious crimes of concern to the international community by specifically defining them as constituent acts of crimes against humanity and war crimes.

113. The Special Rapporteur encourages the Government to review the formal and customary judicial systems to ensure that gender discriminatory provisions are removed and that adequate protection is provided, in line with the Convention on the Elimination of All Forms of Violence against Women. Inheritance rights and legislation preventing domestic violence are specific concerns.

114. The Special Rapporteur also encourages the Government to pass the necessary accompanying legislation so that all ratified international instruments are incorporated in domestic law to ensure that the legal standards created therein are fully respected and that those who violate these instruments are held accountable.

115. The Special Rapporteur further encourages the Government to submit a report to CEDAW, in accordance with its obligations. She recommends that the Government establish a working committee together with women's organizations to prepare reports to CEDAW and help implement any recommendations CEDAW may make. In this context, the Government should also develop and improve national systems for the collection of comprehensive data disaggregated by gender.

116. The Special Rapporteur is concerned about the widespread practice of female genital mutilation and its harmful effects on the health of girls, and urges Government to pass legislation banning FGM and undertake preventive information campaigns. The Government needs to carry out sensitization and awareness raising campaigns for practitioners and the general public, to change traditional attitudes and discourage harmful traditional practices. The Special Rapporteur recommends the adoption of an alternative practice of a merely ceremonial nature, which does not involve violating the physical integrity of girls.

117. There is poor access to basic health care across the country and very high rates of child and maternal mortality, malnutrition and preventable disease. The Special Rapporteur is concerned that Sierra Leone has insufficient capacity, both financial and in terms of human resources, to deal with the health consequences of the conflict, and lacks adequately trained personnel.

118. Urgent and sustained assistance is needed to address the needs of women and girls who have been victims of rape and other forms of sexual violence, including VVF surgery for girl survivors of rape or pregnancy and psycho-social assistance for those suffering from psychological trauma. The Government should prioritize this area and seek technical assistance in this domain. The Special Rapporteur urges the Government to invest sufficient resources and give free health care for those who need it. The Special Rapporteur requests the donor community to cooperate in the implementation of this recommendation.

119. The Special Rapporteur is deeply concerned that the incidence of HIV/AIDS has escalated during the period of the conflict and displacement of the population. The Government needs to develop a strategy for prevention of the disease, including information campaigns, and for care of people who are victims of HIV/AIDS.

120. The Special Rapporteur is concerned about the appalling conditions in the IDP camps. Reportedly there is a high incidence of rape in the camps. Many of the IDPs she interviewed said that they had not received a displaced person's card which would enable them to benefit from the limited privileges accorded to displaced persons. The Special Rapporteur urges all parties to abide by and ensure enforcement of the Guiding Principles on Internal Displacement. The Government must adopt effective measures to address the particular security concerns of women and children displaced by conflict, including measures against rape and other gender-based violence. The Special Rapporteur urges the Government and the international community to take immediate action to ensure that IDPs have access to basic services, particularly in regard to food, shelter, health, education and protection.

121. The Special Rapporteur is concerned that under the state of emergency powers the Government is allowed to suspend many rights and guarantees. According to information received, political prisoners, some of whom are female, are detained without legal counsel or access to their families.

122. The Special Rapporteur is concerned over high rates of illiteracy among women and low levels of enrolment in primary education and graduation of girls. She recommends that the Government make every effort to increase the enrolment of girls in primary education and graduation rates, inter alia through the promotion of women's rights and through the enforcement of compulsory education requirements.

B. At the international level

123. The international community should ensure that all reports of rape and other forms of gender-based violence are fully investigated by the appropriate authorities in order to identify those responsible and bring them to justice; this should include:

(a) Providing assistance to the Government of Sierra Leone in restructuring and training the police force and establishing a competent, impartial and independent judiciary with the necessary resources to function effectively and fairly, and

(b) Ensuring the appropriate training is provided to prosecutors, judges and other officials in handling cases involving rape and other forms of gender-based violence in times of armed conflict and in peacetime, in accordance with current standards of international law - notably the ICC Rome Statute and jurisprudence of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia.

(c) Ensuring that any training of the new Sierra Leone army and the police force includes training on international human rights and humanitarian law and that those dealing with women's cases have expertise in violence against women and gender-based crimes.

124. UNAMSIL should also initiate programmes to inform non-State actors of their obligations under international humanitarian law.

125. The UNAMSIL human rights section should recruit a gender specialist to, inter alia, systematically monitor and report on issues of gender-based violence. UNIFEM should also open an office in Sierra Leone so that women's issues receive the high-profile treatment that they deserve.

126. UNAMSIL should ensure that United Nations peacekeepers fulfil their mandate to protect civilians from physical violence, including women and girls at risk of abduction, rape and other forms of sexual violence; ensure that all troops deployed by UNAMSIL are fully trained in international human rights and humanitarian law and that expertise in violence against women, including gender-based crimes is provided within UNAMSIL; ensure that cases of rape and other forms of sexual violence continue to be monitored and recorded by the UNAMSIL human rights section with a view to the investigation and prosecution of those alleged to be responsible.

127. The Special Rapporteur encourages the ICC standard to be applied to the composition of the Truth and Reconciliation Commission and the Special Court. The Rome Statute deals with a number of structural issues that are particularly important for the TRC and the Special Court in Sierra Leone, to ensure that cases involving violence against women are prosecuted and the perpetrators brought to justice. The specific needs of victims of rape and other forms of sexual violence during the conflict, and their right to redress must be fully taken into account. In the selection of judges the Rome Statute calls for "a fair representation of female and male judges", as well as appointing judges with legal expertise on specific issues, including violence against women or children. The Office of the Prosecutor is similarly required to appoint advisors with expertise on "sexual and gender violence and violence against children". The Statute also makes specific provisions for a victim and witness unit, which will "provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims and others who are at risk on account of [their] testimony. The unit shall also include staff with expertise in trauma, including trauma related to sexual violence".

128. The international community should increase funding for programmes that address the needs of victims of sexual violence, including medical care, trauma counselling, education, vocational skills training and income-generating schemes.

129. The international community should work towards improving the coordinating mechanism mandated to protect and assist IDPs, so that there can be a quick and uniform international response to situations of internal displacement as has been outlined by the Representative of the Secretary-General on internally displaced persons.

Notes

[1] The ages given are the ages of the survivors of violence at the time of the mission.

[2] Testimony collected for the Special Rapporteur by Ms. B. Mansary.

[3] Ibid.

[4] See, inter alia, reports of the Secretary-General to the Security Council on UNAMSIL and John L. Hirsche, *Sierra Leone: Diamonds and the Struggle for Democracy*, International Peace Academy Occasional Paper Series, 2001.

[5] In September 2001, the Government announced that elections were scheduled to take place in May 2002.

[6] See Thomas Olayinka, *The Circumcision of Women: A Strategy for Eradication* (London, Zed Books, 1987).

[7] The Invisible Human Rights Abuses in Sierra Leone: Conflict-related Rape, Sexual Slavery and Other Forms of Sexual Violence, B. Mansaray, June 2001.

[8] Gender-Based Violence in Conflict Situations: A Research Report.

[9] Article XXVI of the Lomé Peace Agreement.

[10] Article 1 of the draft statute of the Special Court.

[11] Articles 2 to 5 of the draft statute of the Special Court.

[12] Rome Statute of the International Criminal Court, 1998, inter alia article 36.8 (a) (iii) and (b) Qualifications, nomination and election of judges; article 42.9, The Office of the Prosecutor; article 43.6, The Registry.

[13] Yasmin Jusu-Sheriff, "Sierra Leonean women and the peace process", *Accord: an international review of peace initiatives*, issue 9, 2000, p. 46.

[14] The Forum for African Women Educationalists (FAWE) is a pan-African NGO, which has been successfully promoting education of the girl child. After the January 1999 incursion by rebels into Freetown, FAWE became the primary organization providing medical and counselling services to rape survivors. Its ultimate goal is to get girls back to school.

Annex

SELECTIVE LIST OF PERSONS/ORGANIZATIONS THE SPECIAL RAPPORTEUR MET WITH DURING HER MISSION

Freetown

Dr. Ahmed Tejan Kabba	President of Sierra Leone
Ms. Shirley Gbujama	Minister of Social Welfare, Gender and Children
Mr. Solomon Berewa	Attorney-General, Minister of Justice
Mr. Joe Pemagbi	Chairman, National Commission for Democracy and Human Rights (NCDHR)
Mr. Francis Gabbidon	Ombudsman
Mr. Pehrooz Sadry	Deputy Special Representative of the Secretary-General
Mr. Rodolfo Mattarollo	Chief, UNAMSIL Human Rights Section
Mr. M.L. Agwai	Deputy Field Commander
	Chief of Civil Affairs
	Chief Military Officer
	United Nations focal point for women
	UNHCR
	WHO
	UNICEF
Ms. Amy Smythe	Researcher/academic
Ms. Binta Mansaray	Researcher/academic
Mr. Joseph Rahall	Chairperson, The National Forum for Human Rights

Ms. Memunatu Pratt	Vice-Chairperson, The National Forum for Human Rights
Ms. Marie Bangura	Coordinator, Sierra Leone Market Women's Association
Ms. Helen Bash-Taqi	Network Movement for Justice and Democracy
Ms. Abu Brima	Network Movement for Justice and Democracy
Ms. Zainab Bangura	Coordinator, Campaign for Good Governance
Ms. Louise Taylor	International Human Rights Law Group
Ms. Augusta Taqi	Forum for African Women Educationalists (FAWE)
Ms. Bola Malcom-Palmer	Sierra Leone Women's Forum
Ms. Lucinda Amara	Women's International League for Peace and Freedom
Ms. Barbara Bangura	Grassroots Empowerment for Self-Reliance
Ms. Claudia Taylor	President, Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS)
Ms. Martha Chigozie	Less Privileged Women's Association
	COOPI
	Planned Parenthood Association of Sierra Leone
	Ambassador of the United States of America
	Ambassador of the United Kingdom of Great Britain and Northern Ireland
	High Commissioner of Nigeria
	High Commissioner of Ghana

Kenema and Bo

	Resident Minister in Kenema
	Resident Minister in Bo
Mr. Udeme Essien	UNAMSIL Human Rights Officer/ Field Coordinator
Ms. Ada Samai	Association for the Welfare of Women Cooperatives International Rescue Committee

Makeni

Mr. Gibril Massaquoi	RUF spokesperson

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49

Addendum

Mission to Colombia
(1-7 November 2001)*

* The executive summary of this mission report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission and Spanish only.

Executive summary

This report contains the findings of the Special Rapporteur on violence against women following her visit to Colombia on official mission in November 2001 to investigate, assess and report on the impact of the conflict on the human rights of women.

The role of violence against women as a part of the internal armed conflict in Colombia has been overshadowed by the numerous other problems facing the country. The Special Rapporteur documents the impact of internal conflict on women, the widespread and systematic nature of gender-based violence and the various forms of it that are suffered. Rarely is there direct confrontation between the different armed groups, rather these armed groups attempt to settle their scores by attacking civilians suspected of supporting the other side. Although men are the most common victims of summary executions and massacres, violence against women, particularly sexual violence by armed groups, has become a common practice within the context of a slowly degrading conflict and a lack of respect for international humanitarian law.

Women have been abducted by armed men, detained for a time in conditions of sexual slavery, raped and made to perform domestic chores. Women have been targeted for being the female relatives of the "other" side. After being raped some women have been sexually mutilated before being killed. Furthermore, survivors explain how paramilitaries arrive in a village, completely control and terrorize the population, and commit human rights abuses with total impunity. The Special Rapporteur also highlights the particular experience of female combatants in the warring factions who suffer sexual abuse and infringements of their reproductive rights and finally the appalling situation faced by female internally displaced persons.

This report contains recommendations to ensure that policy and programmes of assistance address the gender dimensions of the conflict. The Special Rapporteur calls for greater protection, particularly in regard to gender-based violence, including the verification of cases and the prosecution of perpetrators of gender-based violations, improved monitoring and reporting, and special protection measures for those working on human rights issues.

The Special Rapporteur encourages all parties to subscribe to a global accord on the subject of human rights and international humanitarian law. This accord should include special protection from gender-based violence and slavery.

The Special Rapporteur calls on all parties to the conflict to take measures to protect women and girls from rape and other forms of gender-based violence, including instructing all warring factions to respect international humanitarian law. Rape, forced contraception and sterilization, forced prostitution, sexual slavery and other forms of sexual violence are serious breaches of international humanitarian law. She calls on the parties to state publicly that rape in the conduct of armed conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances, and that anyone who commits rape will be brought to justice. She also calls on them to investigate all reports of rape and other forms of sexual violence, to prosecute those alleged to have committed such crimes and ensure compensation for the victims.

The Special Rapporteur notes that the failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women in Colombia, including rape and domestic violence. The Special Rapporteur is concerned about the criminal justice system in relation to women, and the reported low level of conviction for rape and other forms of gender-based violence. She urges the Government to intensify its efforts to combat violence against women through comprehensive measures, including gender-sensitive training in the criminal justice system.

In this context, the Special Rapporteur calls on the Government to increase funding for the Human Rights Unit of the Office of the Prosecutor-General, including for the witness protection programme, travel, communications equipment, security and evidence-gathering capability. The work of the Prosecutor-General's office has contributed to the protection of human rights and accountability for serious crimes, yet in recent times prosecutors and investigators have had their budgets cut and lack the resources to investigate fully cases assigned to them. The Special Rapporteur encourages the unit in its future work, which is vital to upholding the rule of law. Because of the pervasiveness of sexual and gender-based violence in Colombian society, the particular expertise necessary to investigate, evaluate and prosecute these crimes effectively, and the persistent tendency to marginalize them, the Special Rapporteur urges the Prosecutor-General to appoint a high-ranking legal adviser on sexual and gender-based violence.

The Special Rapporteur urges all parties to abide by and ensure enforcement of the Guiding Principles on Internal Displacement. She reiterates the need to implement fully the recommendations made by the Representative of the Secretary General on internally displaced persons to the Government of Colombia and armed groups in Colombia. These include paying special attention to the particular needs of women and children, who make up the majority of the displaced population. She urges the Government to respect the rights of displaced women, in particular women heads of household, by providing them with economic and psychological support.

The Special Rapporteur urges the Government to provide greater support and protection for human rights organizations that work with women and on women's human rights issues. The work currently under way in research and the production of materials on women's rights, and the documentation of women's experiences of conflict is seen by certain actors as contentious and adequate thought needs to be given to addressing the risks and providing appropriate support. Much valuable work is done in remote areas at the grass-roots level and those who are undertaking it deserve appropriate protection measures and support systems. Tackling impunity and prosecuting gender-based violations will send a message that these crimes will be taken seriously. Serious priority and commitment must be devoted to exploring preventive measures and providing protection.

The Special Rapporteur asks for the development and implementation of programmes for the social reintegration of former female combatants. The support provided to girl former combatants should include evaluating their past experiences. If these experiences are denied or treated as social maladjustment, or managed with guilt and resentment, these girls are denied the possibility of understanding their experiences within a political and historical context and of coming to terms with them.

Finally, the Special Rapporteur states that, in accordance with Security Council resolution 1325 (2000) of 31 October 2000, women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. Women's representation at the negotiating table is crucial as the sine qua non of gender equality and inclusion. Women should participate in every capacity to promote gender-sensitive and gender-inclusive responses to the conflict, the peace process and violations without the threat of further violence and egregious attacks.

Annex

REPORT OF THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES ON HER MISSION TO COLOMBIA (1-7 NOVEMBER 2001)

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I. INTRODUCTION

1. The role of violence against women as a part of the internal armed conflict in Colombia has been overshadowed by the numerous other problems facing the country. The Special Rapporteur decided to visit Colombia following reported incidents of gender-based violence, including rape and sexual slavery, by all armed groups involved in the conflict: the rebels, paramilitary groups and the Colombian armed forces.

2. The Special Rapporteur visited Colombia, at the invitation of the Government, from 1 to 7 November 2001 to investigate the allegations and assess and report on the impact of the conflict on the human rights of women. This report contains recommendations to ensure that policies and programmes of assistance address the gender dimensions of the conflict. The Special Rapporteur calls for greater protection, particularly in regard to gender-based violence, including the verification of gender-based violations, improved monitoring and reporting, and special protection measures.

3. During the visit, the Special Rapporteur engaged in constructive, candid dialogue with a number of government officials, including: Mr. Gustavo Bell, the Vice-President and Minister for Defence; Mr. Guillermo Fernandez de Soto, the Minister for Foreign Affairs; Mrs. Nazly Lozano, the Presidential Councillor for Women's Affairs; Mr. Eduardo Cifuentes, the Defensor del Pueblo (Ombudsman); Mr. Alejandro Ramelli, the Director of the Human Rights Unit of the Office of the Prosecutor-General of the Nation (Fiscalía General de la Nacion); Mrs. Gloria Quinceno, Director-General for Re-Incorporation Programmes; Colonel Luis Alfonso Novoa, Coordinator of the Human Rights Unit of the Policía Nacional (National Police); and Mr. Fernando Medellin, Director of the Social Solidarity Network. The Special Rapporteur also met with members of Parliament and representatives of the international diplomatic and donor community. The Special Rapporteur regrets that it was impossible to meet with HE President Pastrana and the Prosecutor-General both of whom where unavailable to meet with the Special Rapporteur during her visit to their country despite her requests.

4. The Special Rapporteur is very grateful for the support provided by Mr. Anders Kompass, the director of the OHCHR office in Bogotá and his staff, to ensure a substantively and logistically successful visit and to facilitate the Special Rapporteur's understanding of the political and general human rights context prevailing at the time of her visit.

5. The Special Rapporteur discussed the situation of violence against women with officials from United Nations and international agencies and non-governmental organizations (NGOs). The Special Rapporteur would like to give special thanks to all members of the Working Group on Women and Armed Conflict who worked extremely hard to prepare information for her visit and also coordinated the NGO programme in consultation with the OHCHR office in Bogotá.

6. The Special Rapporteur had several meetings with women survivors of violence and internally displaced women. During visits to Bogotá, Cali and Cartagena municipalities, the Special Rapporteur met with survivors of violence and internally displaced persons from these municipalities, and also from neighbouring ones. In Bogotá, the Special Rapporteur met with groups from Bogotá and the Altos de Cazuca and Ciudad Bolivar *barrios*, and also with groups from Medellin and North Santander. In Cali, the Special Rapporteur held meetings with

women's groups from Cali, Buenaventura and Cauca municipalities, as well as North Valle and Putumayo departments. In Cartagena, the Special Rapporteur took testimonies from women from Cartagena and also from South Bolivar. She also visited internally displaced communities on the outskirts of Cartagena (Bolivar department),in the Olaya *barrio*.

II. GENERAL FINDINGS

7. The fourth largest and third most populous country in South America, Colombia is endowed with substantial oil reserves and is a major producer of gold, silver, emeralds, platinum and coal. However, it also has a highly stratified society where the traditionally rich families have benefited from this wealth to a far greater degree than the greatest portion of the population, who are mostly of mixed race. There are 80 distinct ethnic groups among the approximately 800,000 indigenous inhabitants. These groups are concentrated in the Andean mountains, the Pacific coast lowlands and the Amazonas department. Afro-Colombian and indigenous communities continue to be the victims of systematic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence.[1]

8. With few avenues for social mobility, this situation provided a natural constituency for left-wing insurgents. At the other end of the political spectrum are right-wing paramilitary groups, who are sometimes in the pay of drug traffickers and large landowners, and are allegedly backed by elements in the army and the police. The paramilitaries have sprung up everywhere, in particular in the north-western regions, and target human rights workers and peasants suspected of helping left-wing guerrillas, street children and other marginal groups.

9. According to recent estimates, roughly 3,500 people, most of whom are civilians, die every year in the conflict which is pitting the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) against an illegal right-wing paramilitary force known as the United Self-Defence Forces of Colombia (AUC) and government troops. Colombia is heading towards greater levels of violation of human rights, given the contempt towards the civilian population demonstrated by all actors involved in the conflict.

10. According to one report, some 300 armed men belonging to the paramilitary Peasant Self-Defence Force of Córdoba and Urabá (Autodefensas Campesinas de Córdoba y Urabá) (ACCU) set up a kangaroo court in the village of El Salado, Bolívar. Over the next two days, they tortured, garrotted, stabbed, decapitated and shot residents; investigators tied one 6-year-old girl to a pole and suffocated her with a plastic bag; one woman was reportedly gang-raped; 36 people were confirmed dead and another 30 were missing. In another case, paramilitaries entered the village of Pueblo Nuevo Mejía and abducted a woman and her son when they were unable to find her husband and brother-in-law; the woman was made to cook for the paramilitaries, ill-treated and threatened with sexual abuse. Other information indicated that guerrilla forces have been responsible for widespread abuses during the armed conflict, including numerous deliberate and arbitrary executions of people they consider to be military or paramilitary collaborators or sympathizers, including young women associating with members of the security forces.

11. Human rights violations in Colombia can be described as grave and systematic. The main rights affected are the right to life, the right to personal integrity, the right to liberty, the

right to security of person and the right to due process. The majority of the Colombian population has come to view human rights violations as endemic occurrences. Luis Alberto Restrepo explains that many Colombians are indifferent to violence because of their incapacity to control it.[2] The Special Rapporteur was often shocked by the acceptance of the conflict as a part of life by many of her interlocutors.

12. According to information collected during the Special Rapporteur's visit members of the paramilitary groups were the principal violators of those rights, their acts implied State responsibility, through action or omission of the duty to safeguard rights. Due to the lack of a firm and coherent policy to prevent violations, develop serious investigations against paramilitary groups and State agents that support them in one way or another, and sanction those responsible for such violations, the Colombian Government is responsible due to its failure to act with due diligence.

13. According to information received by the Special Rapporteur, human rights violations for which paramilitary groups are accountable have shown a rapid increase since 1993 (when they accounted for less than 20 per cent of all such violations, but accounting for more than 75 per cent since 1997), while those directly perpetrated by State agents have decreased (more than 50 per cent of violations in 1993 and less than 5 per cent since 1997). The theory that a relationship exists between these two phenomena has been discussed, a hypothesis that has seemingly been confirmed. The reduction in the number of cases attributed to State agents, taken together with a simultaneous increase in the cases attributed to paramilitary groups, suggests that several of these actions benefit from cover-up or connivance.

14. The guerrilla groups have also committed serious violations of international humanitarian law in targeting the civilian population suspected of being associated with the paramilitaries or the Colombian armed forces. They have carried out kidnapping, indiscriminate attacks that affect the civilian population and arbitrary and deliberate killings of those they accuse of siding with their enemies. They are the principal perpetrators in the conflict of abduction and forced recruitment of children, infringement of women's reproductive rights and kidnapping for extortion purposes.

15. Survivors are often afraid to denounce human rights violations for fear of reprisals and because of a general mistrust of the criminal justice system given the high levels of impunity in Colombia.

16. Impunity and the denial of justice continue to be amongst the most serious concerns in Colombia. Impunity in relation to all types of crimes is widespread. The rate of impunity for violations of women's rights remains high, reflecting a failure by the State to comply with its responsibilities and resulting in a denial of justice to the victims of violations and/or their family members. Impunity for those responsible for committing gender-based violence is one of the most important factors contributing to the continued violation of women's rights and to the general increase in violence. The Special Rapporteur deplores the situation of impunity that exists in Colombia and notes that the State will face responsibility for all violations of human rights that occur until such time as it takes measures to ensure that justice is administered fairly and effectively in Colombia.

17. The Special Rapporteur acknowledges that some judges and prosecutors have sought to discharge their duties fully and to combat impunity. In particular, the Human Rights Unit of the Office of the Prosecutor-General of the Nation has made some important advances in judicial investigations implicating military officials in human rights violations and paramilitary activities.

18. As a strategy for fighting impunity, the Prosecutor-General created the Human Rights Unit. The Unit began to function in 1995 with competence throughout the territory of Colombia in cases involving violations of human rights and international humanitarian law assigned to it. Nonetheless, the Human Rights Unit faces problems that prevent the full realization of its potential to combat impunity. Many prosecutors from the Human Rights Unit have received threats as a result of their work and several have been forced to flee the country and seek shelter abroad. The State reportedly does not take the special measures necessary under these circumstances to ensure the safety of the members of the unit. Because the Human Rights Unit has shown its potential to serve as an effective tool against impunity in human rights cases, the Special Rapporteur urges the State to maintain the unit and to provide it with the material and human resources necessary to allow it to intensify its work, in particular in regard to violations of women's rights, which have not been dealt with by the unit to date.

19. In this context, the Special Rapporteur is concerned about the changes that have occurred since the new Prosecutor-General of the Nation took office regarding the orientation of his Office and the dismissal of certain officials who had made efforts to tackle impunity. These have raised serious fears about the prospects for strengthening the institution and its commitment to the fight against impunity. In this sense, several events have called into question the independence and autonomy of prosecutors involved in investigations of human rights violations, particularly those involving paramilitary groups and public servants.

20. The Office of the Prosecutor-General's protection programme for victims, witnesses and others involved in criminal proceedings, as well as for its own officials, continues to fail to provide adequate coverage to protect its employees against threats, which may result in inhibition or self-censure regarding the investigations they are conducting, or even to a loss of objectivity and underestimation of the crime and the risk.

21. State policy on the battle against impunity requires clear commitments. In this sense, the Law on Security and National Defence also raises serious questions in this context, particularly by granting judicial police responsibilities and duties to the military forces, which fails to ensure the independence of judicial power and may have a negative effect on due process.

22. At the time of the Special Rapporteur's visit, the space for candid open discussion with the Government of Colombia on human rights was closing. The Government was failing in its obligation to guarantee the continuation of human rights activities in the country owing to the lack of protection provided to human rights defenders, minimal investigation into allegations and attacks, and even fewer prosecutions of perpetrators. This was described as "a manifestation of words but no concrete action".

23. When the Special Rapporteur raised her concerns about the recent changes in the Office of the Prosecutor-General, the Government reassured her that they would continue to support the work of the Human Rights Unit to tackle impunity. The Special Rapporteur urges the

Government to provide the Unit with the necessary resources and security to allow it to investigate cases, including cases of gender-based violence, and prosecute perpetrators of human rights violations, in compliance with its international obligations.

24. As the report is being finalized a military operation is being conducted by the Government of Colombia towards the demilitarized zone where for more than three years the unsuccessful peace talks between the FARC-EP guerrilla and the Commissioner for Peace, Camilo Gómez, have taken place.

25. The Special Rapporteur is concerned that the failure of the peace talks will see an increase in human rights violations as the conflict escalates. At this critical point in Colombian history the Special Rapporteur urges all parties to save the peace talks as the only way to resolve the conflict and as the ultimate way to protect the human rights of Colombians to life, liberty and security.

A. Status of women in Colombia

26. The Constitution and national law contain provisions on equality of the sexes, including in regard to political rights. In reality, however, women's representation is modest. Despite women's gains in the 1998 parliamentary elections (an increase from 16 to 19 seats in the 167-seat House of Representatives and an increase from 7 to 14 seats in the 102-seat Senate), women's participation in politics remains low. In addition, very few women in power incorporate gender issues in their public work since it is still a political risk in male-dominated politics. Women in politics also face stereotypical and sexist depiction in the mass media, which tend to comment on their "ability to seduce and call attention to their image" instead of their substantive capabilities.[3]

27. Women from urban areas continue to have access only to positions and areas of activity that enjoy less socio-economic prestige, lower income and fewer labour guarantees. This situation would explain the increased participation of women in non-remunerated and domestic work, as well as the increase in the number of women working in the urban informal sector. Also meriting special mention is the lack of correspondence between women's educational levels and the type of positions to which they gain access. Women rural workers are in an even more disadvantaged situation, not only vis-à-vis men, but also as compared to urban women. According to data received by the Inter-American Commission on Human Rights (IACHR), women rural workers have a higher rate of poverty, face greater workplace burdens in exchange for less remuneration, have low levels of job training, are affected to a greater extent by unemployment, and are among the most vulnerable social sectors in the situation of agrarian crisis, violence and armed conflict affecting the country.[4]

28. Furthermore, women from the indigenous and Afro-Colombian population suffer multiple/intersectional discrimination on the basis of gender, race, colour and ethnic origin and as internally displaced persons. Many suffer attacks on their villages especially those living in areas where the guerrillas are operating. The State has been accused of not consulting with indigenous leaders in regard to matters which concern them. They also are often deprived of access to health, education, employment and political representation. Women from indigenous

communities often need permission from their husbands to speak in public. Moreover, indigenous communities are very closed and rape cases are not denounced to outsiders.

29. In Colombia, domestic violence is still considered to be a private matter. Consequently, incidents are underreported and it is not possible to determine the full extent of the problem. According to information received by IACHR, less than half of battered women seek assistance and only 9 per cent of them lodge a complaint with the authorities. Neither the State nor society is sufficiently sensitive to the need to tackle the problem of domestic violence. Impunity for the perpetrators of acts of domestic violence against women is practically 100 per cent. Violence against women is part of the social context. Domestic violence is very common and, as in other countries, the level of violence escalates with the tension created by the ongoing internal conflict that impacts everyone's lives.

30. Sexual violence in Colombia is also a matter of special concern. In 1995, the Institute of Legal Medicine of Colombia issued 11,970 opinions in investigations of sexual crimes nationwide. Of the victims, 88 per cent were women, for a rate of 34 women per 100,000 population. According to the information received, it is estimated that there are some 775 cases of rape of adolescents annually, and that the rate of rape for this age group is 3.5 per 1,000 women. Nonetheless, only 17 per cent of the victims denounce such acts. It should be noted that of all such attacks on women over 20 years of age, 47 per cent are by relatives.[5]

31. Abortion is still a criminal offence in Colombia, punishable by from one to three years' imprisonment for both the woman seeking the abortion and the practitioner who performs it. The law provides for no exceptions, even in instances of rape, to save the life of the mother, or to avoid serious and permanent damage to her health. Abortion is the second cause of maternal mortality in Colombia according to Servicio Colombiano de Comunicación and Profamilia. The criminalization of abortion has a discriminatory effect on impoverished women: while women of higher socio-economic classes are able to obtain safe, though illegal, abortions, women with lower incomes are forced to seek dangerous backroom abortions. In addition, poor women are at a higher risk of pregnancy as a result of inadequate access to sex education and contraceptives. Although the social security system commits the Government to creating special informational programmes on reproductive health and family planning in less developed areas of the country, according to the information received from NGOs, these programmes were suspended in 1997. Observers point out that in abortion cases, opinions of the court are often coloured by Catholic religious arguments and cannot be said to be impartial.[6]

B. Legal framework

32. The Convention on the Elimination of All Forms of Discrimination against Women has been ratified by Colombia, incorporated into its legislation by law 04/81 and regulated by Decree 139/90.

33. Colombia is a party to the American Convention on Human Rights,[7] which embodies both civil and political, and social, economic and cultural rights. The Convention places an obligation on State parties to protect and guarantee the full enjoyment of those rights without any form of discrimination.[8] Consequently, under the Convention, the State has the obligation to protect women from socio-political violence, as well as from special forms of violence against women in public and private forums.

34. Colombia is also a party to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the "Protocol of San Salvador".[9]

35. More specifically in regard to gender-based violence, Colombia has ratified the Inter-American Convention on the Prevention, Sanction and Eradication of Violence against Women, the "Belem do Para Convention".[10] The Belem do Para Convention addresses violence against women and places specific obligations on State parties in this matter. Also noteworthy are the partial steps taken by Colombia through Law 249 of 1996 to prevent, remediate and punish family violence. However, non-governmental organizations have criticized the procedures established under Law 294 and state that notwithstanding some sporadic efforts to combat family violence, generally measures taken have not been effective.[11]

36. The new Penal Code includes crimes of war including sexual slavery and rape. However, the law must not only be put in place, but must also be used as an active tool to combat violence against women. According to information received during the visit no rape cases have been brought before the General-Prosecutor's Human Rights Unit to date, despite numerous testimonies.

37. Despite the progressive legislation to protect women's rights there continues to be a tremendous gap between the guarantees provided and reality. Violence against women continues to occur at alarming levels and is worsening in the context of the armed conflict. By virtue of its domestic legislation and the international human rights commitments it has adopted, the Colombian State is under an obligation to adopt initiatives to reduce the impact of this situation, until violence against women is finally eradicated.

III. IMPACT OF INTERNAL CONFLICT ON WOMEN

A. Forms of violence against women in the conflict

38. Testimony given to the Special Rapporteur by A:[12] *"A group of armed men broke down the door of our home while we were sleeping; they knocked over the furniture and broke everything. They tied my father to a chair. They opened my legs and tied one leg to the wardrobe and the other to the bed. They insulted and threatened us. They raped my sister and me. Later we realized the same had happened to our neighbours and a young girl from the village was taken to hospital for her injuries."*

39. Testimony given to the Special Rapporteur by B: *"500 paramilitaries arrived in our village because it is in guerrilla territory. They threatened us and took women to work for them. They killed girls, boys, men and women. We were not allowed to pick them up, the bodies were*

eaten by dogs. They hanged children and sexually mutilated bodies. Many women were raped. I faked a letter saying that I had to go to town as my aunt was very ill. The paramilitaries said I could only go if I left my daughter with them. I fled in the night with my three children. I live on *the outskirts of Cartagena; the conditions are very bad as the area is flooded most of the time; I have to tie the children to the bed to prevent them from falling into the water at night."*

40. Testimony given to the Special Rapporteur by C: *"The paramilitaries arrived in the town, they collected everyone together and put on some music and started to drink, they killed some chickens, raped some women, killed a few people and danced. Paramilitaries wore balaclavas. They forced women to cook for them. They only raped the young girls. Their party went on for four days. The bodies were already beginning to rot in the streets. Some of the bodies were burnt so they couldn't be identified. We heard a helicopter hovering overhead but no one intervened until the fourth day. The paramilitaries took off their masks and said that the military had arrived. Then cars, prosecutors and ICRC arrived in the village. We think that the military were preventing people from entering the village during the massacre."*

41. Testimony given to the Special Rapporteur by D: *"We have been living under extreme terror, there is only one way in and out of the barrio and it is controlled by the paramilitaries. People are dragged out of their homes and killed in front of their family and children. Shop owners have been killed for not paying the bribes. In the last two weeks, six women have been killed, some because of their alleged relationship with the guerrillas, others because they refuse to give sex. One girl was raped before she was killed; they took out her eyes, pulled out her nails and cut off her breasts. One boy had his penis cut off and put in his mouth. There is constant crossfire between the different armed groups, we can't sleep. We are afraid to leave the house to go to work or to send the children to school. When the police arrive everything is calm and the paramilitaries mingle with the police as they walk around the barrio. We need peace; the Government must do something."*

42. The conflict reproduces and deepens discrimination between the different groups and women suffer intersectional discrimination on the basis of their gender, and their ethnic and cultural origin. Although men are most frequently the victims of summary executions and massacres, violence against women, particularly sexual violence by armed groups, has become a common practice in the context of a slowly degrading conflict and lack of respect for international humanitarian law. Sometimes such violent acts are committed at the same time as massacres or as way of terrorizing or threatening women and communities. Testimonies from survivors indicate that some women were raped by up to six men; others were raped while tied up and their relatives, also tied up, were forced to watch them. Women are sometimes abducted by armed men and detained for a time in conditions of sexual slavery; they are raped and made to perform domestic chores. After being raped, some women have been sexually mutilated before being killed. Women are targeted for being the female relatives of the "other" side. Armed factions threaten and abuse women for being in solidarity with their husbands or partners, or because of the partner they have chosen, or for protecting their sons or daughters from forced recruitment. Furthermore, survivors describe how paramilitaries arrive in a village and completely control and terrorize the population; they reportedly commit human rights abuses with total impunity.

43. Sexual violence by armed groups against women, youths and girls has not been sufficiently highlighted: "Sexual violence against women, prostitution and sexual slavery have been justified in military occupied areas because of reasonable male needs or even encouraged and organized by high ranking members."[13] Women who are subjected to sexual violence by members of armed factions are forced to hide their tragedy for a number of reasons, predominantly because they fear the death threats they receive from those who rape them.[14] Rape survivors are often left pregnant and have to look after the child of the rape.

44. After a massacre in the town of El Saldo, in Bolivar province women survivors gave testimonies that they were raped. However, despite their testimonies no investigation was conducted by the State into the incident. Although official statistics do not exist there are very serious allegations and strong testimonies that all armed groups have perpetrated gender-based violence against women.

45. Women are often killed after the rape and therefore are documented as a murder statistic only; there must be a move to document what happened to the victim prior to death by including information contained in the forensic reports in the official statistics,[15] so a record is compiled of the various elements of the crime that is committed including the gender-based dimension.

46. In addition to the rape and abduction of women and girls carried out by all armed groups, the paramilitaries have begun practising other forms of control in the regions they dominate. They impose territorial limits on freedom of movement and impose curfews; if a curfew is broken women are raped and then killed. They impose strict codes of social conduct, including restrictions on what women may wear and penalties for "misbehaviour". They reinforce conservative values and the different gender roles expected of men and women. Women are not allowed to wear miniskirts, hipster jeans or tops which show their midriffs and anyone who disobeys that rule is taken to the paramilitaries' barracks and forced to cook and to wash the paramilitaries' clothes. They also operate social cleansing operations. For example, prostitutes and women accused of adultery have been paraded nude on trucks around the village with a sign around their neck saying that these women wreck homes. The police allegedly do not intervene and the local population has no recourse for justice. Furthermore, pregnant women who have been forced to remain in cocaine-growing areas under paramilitary control and who have been exposed to fumigation of the illicit crops reportedly have miscarriages, foetal malformations, skin problems and respiratory infections as a result.

B. Female combatants

47. Testimony taken from a former combatant, known as E: *E joined the guerrilla (FARC) at 13, tired of being ignored and mistreated by her father. She was looking for a way out, thinking things would change if she had a weapon. When she was 19, the guerrilla commander of her group took advantage of his position to take her away alone, far from the group, and there he raped her, beat her and then sent her home. He gave her the mission of seducing a member of the Colombian army in order to obtain information for the guerrilla. She did as she was told, but the guerrilla commander was not satisfied, because she had approached a low-ranking officer. The commander went to her house and complained violently. Her father intervened to stop him and the commander killed him and threatened her if she spoke. The day after her father's burial she gave herself over to the Colombian army, thinking this was her only way out.*

She thought she might have to pay a penalty and then would be free - a civilian. But after a few days the army gave her a uniform and told her that the only solution was to work for them. E felt she had no alternative.

48. *The army Colonel treated her cruelly and inhumanely: apart from her fulfilling the everyday tasks of any battalion member, he took E for his personal service (taking care of his clothes, cutting his toenails etc.). More than once, while he was drunk, he sent for her, but there was a member of the army who always protected her from being sexually abused by the Colonel. The Colonel told her that he could send her to jail or kill her if she failed to obey his orders. Each month the Colonel made her sign a payroll slip for the sum of approximately US$ 500, of which she received not a cent. At the same time she thought she had to obey in order to pay her penalty for having been in the guerrilla.*

49. *Later on, E was forced to participate in military actions, some of them against civilians. She stayed more than a year in this situation in the Colombian army until she managed to leave. Now she wants to go on with her life, but she does not feel safe, she lives in fear, she is terrified that the army Colonel will find her one day. She is very afraid for herself and her family.*

50. The Special Rapporteur took testimonies from girls who had been recruited and used by the armed groups as sexual slaves, combatants, informers, guides and messengers.[16]

51. Guerrilla groups are reported to have abducted young girls as companions for their leaders. Reports have also been received of girls being lured into the FARC and then abused. So-called "recruitment" is based on persuasion, as there is little other alternative. Self-defence groups/paramilitaries are also reported to have kidnapped girls and used them as sexual slaves; it is difficult to obtain formal complaints as those who have escaped live in constant fear of reprisals against themselves or their family.

52. For some girls, the male-oriented culture affects their attraction to uniforms, weapons and the power they represent. Girls often join an armed group thinking that, once they are a part it, they will be treated as equals and be given the same rights as men. They seek to overcome exclusion and disregard life in their own families, where they can only be associated with domestic roles. Several of the girls interviewed, who were former combatants, admitted to having been victims of family violence or abused by a relative.[17]

53. When armed groups seek to increase their forces, children from rural areas[18] and from economically deprived urban groups, become an easy recruitment catch. The armed groups make promises about giving the children an education and a chance for a brighter future. Establishing the difference between voluntary or forced recruitment is no easy task. In general, children are forced into enrolling by poverty, family violence, exclusion, family break-up, lack of opportunities and services, insufficient or low quality health care and education, or lack of adequate employment opportunities in accordance with ILO standards and Colombian legislation. Within this context, armed groups become the only economic alternative for them and their families. Other children join armed groups for political reasons or to avenge the deaths of family members.

54. There are no precise figures available concerning the numbers of children who are part of armed groups. Some sources estimate that a total of 6,000 children[19] participate in the existing armed factions.

55. The testimonies provided by former combatants show how, while they were members of an armed group, they were subject to different types of violence because of their gender, such as sexual abuse and/or harassment by superiors. The Government has enacted new legislation criminalizing acts of sexual abuse against children, which is a welcome move to try and address the problem. However, it will require implementation and additional resources before any changes will be seen.

56. Forced birth control is another type of gender-related violence girls suffer within armed groups. According to the People's Advocate Office, the majority of girls no longer belonging to guerrilla groups in Surata, Santander, were sexually active and some had an interuterine device (IUD). The girls reported that the guerrillas had provided them with contraceptives periodically. Moreover, approximately 70 per cent of these girls had sexually transmitted diseases. Forced abortion is also common in armed groups. If a woman wants to keep the child, she must escape. the Special Rapporteur heard that many women have died trying to escape and protect their unborn child, as camps can be 15 to 20 days walk from a settlement where they can seek assistance.

57. Two years ago, the Colombian Family Welfare Institute (ICBF) began a pilot project for children and youth former combatants who were captured, have voluntarily surrendered or whom the parties to the conflict have handed over to State agencies.[20] The type of assistance provided under this project takes account of gender. The project has a legal and legislative framework that supports any action aimed at protecting essential rights of children and youths no longer taking part in the conflict. The project also provides them with personal and psychosocial assistance.[21]

58. Estimating the number of former combatants is difficult as not all of them use the mechanisms offered by the authorities or report to these authorities.[22] According to UNICEF estimates, 208 cases of child demobilization were registered between May 1996 and November 1998.[23]

C. Female internally displaced persons

59. The situation of internal displacement in Colombia is among the gravest in the world. There are over a million internally displaced persons in the country, with new displacements continuing to occur. The vast majority of the displaced have been uprooted from their homes in the last few years because of the sharp deterioration in the security situation. The problem, however, is a long-standing one, stretching back decades.

60. Political violence associated with internal armed conflict and characterized by serious violations of international human rights and humanitarian law is the primary cause of displacement. However, displacement in Colombia is not merely incidental to the armed conflict but is also a deliberate strategy of war. Indeed, rarely is there direct confrontation among armed

groups (that is, the paramilitaries, guerrilla groups and the armed forces/police). Rather, these armed groups attempt to settle their scores by attacking civilians suspected of being associated with the "other" side and they do so with such severity as to leave those whose physical security is threatened with no choice but to flee.

61. Armed factions use violence or threaten to use violence to control territories and population throughout the country. According to the Social Solidarity Network (RSS),[24] displacement in 2001 was due to: generalized threats (44 per cent), armed conflict (15 per cent), mass killings (9 per cent), specific threats (5 per cent) and attacks on municipalities (3 per cent). Massacres are the single most common reason for population displacement (an average of 224 people displaced per massacre). Paramilitaries (between 46 per cent and 63 per cent),[25] guerrillas (between 12 per cent and 13 per cent) State agents (0.65 per cent) and unknown agents (19 per cent to 24 per cent) are among those allegedly accountable for displacement.

62. For an impoverished rural population, fleeing towards cities seems to be the only way out of this chaos. Rural families flee in silence, going to the cities, each family seeking refuge on its own. There are no large welfare centres monitored by UNHCR or other agencies available to receive the displaced population. In Colombia individual and dispersed displacement prevails.

63. Yet, the threats to physical security which the displaced flee to escape often follow them into the communities in which they seek refuge. The very fact of having fled typically heightens suspicions of allegiance to a particular armed actor and intensifies the risk of being targeted. Stigmatized and fearing for their lives, many of the displaced seek safety in anonymity, attempting to blend into communities of the urban poor. Having abandoned their homes, property and livelihood for conditions of destitution and continued insecurity, they constitute an extremely vulnerable segment of society. Displaced persons have begun to organize to defend their rights, but the leaders of their organizations and those of the local NGOs who try to help them are increasingly being targeted and killed by armed groups.

64. There has been a dramatic increase in the flow of displaced persons since the 1980s. The geographic areas from which they come have also shown an alarming expansion.[26] The total number of displaced persons in Colombia is estimated to be somewhere between 720,000 and over 2 million, depending on the source (governmental or non-governmental) and the period under study (the last 5 years for the first figure and the last 15 years for the second figure).[27] CONPES[28] document 3057 dated November 1999 estimated a total of 400,000 displaced persons in Colombia requiring assistance and almost 25,000 families who have fled annually since 1996 (125,000 people). Between 30 per cent and 50 per cent of these people are in the larger cities and their surroundings while the remainder are mostly in small urban centres.

65. Both RSS and the Advisory Office for Human Rights and Displacement (CODHES)[29] indicate the ongoing increase in the number of displacements during the past years as well as an increase in the number of persons displaced. According to RSS, 190,454 people were displaced during 2001. This is a 48 per cent increase in the number compared to the year 2000 and a 118 per cent increase in the number of displacements.[30] CODHES estimates for 2000 reach a total of 315,000 people, while the estimate for the first semester of 2001 reaches a total of 191,928 displaced persons. This means an increase of 34,210 people, 60 per cent more than during the first semester of 2000.

66. Of the 60,623 displaced persons registered in the Information System on Population Displaced through Violence in Colombia (RUT) by the National Social Pastoral Secretariat, 29,683 are women - 24,392 of them of mixed race - 4,666 Afro-Colombians and 635 indigenous; 51.59 per cent are children - 16,257 boys (52 per cent) and 15,015 girls (48 per cent).[31]

67. There are, however, several problems with the figures: they are cumulative figures, hindering any possibility of estimating cases in which persons have been displaced more than once (displacement/return/displacement processes are frequent among displaced persons who arrive finally in large cities); there is no information available regarding those who return spontaneously or were relocated. And even if the information gathered is differentiated at the source, this information is not processed to show the different impact of displacement on men and women. Furthermore, women displaced alone or who are heads of households are under-registered because they fear informing the authorities.

68. The vast majority of the displaced population are women and children, and most are left to fend for themselves with little, if any support. Estimates concerning the proportion of displaced women in Colombia range somewhere between 49 per cent and 58 per cent of the total displaced population.[32] Displaced women and children together account for 74 per cent of displaced Colombians[33] who need special assistance. The figure can reach 80 per cent when the displaced population found in large urban areas is included.

69. Displacement has the effect of eroding traditional family structures, particularly when male members of the family have been killed, have disappeared or have been compelled to seek safety or work elsewhere.

70. According to information provided to the Special Rapporteur, difficulties faced by the displaced population are exacerbated for women by gender discrimination in society. It is estimated that one in three families are female-headed households; many female heads of household are widows from rural areas who flee to the cities and have to face the harsh urban reality. Individual displacement is often invisible as they do not register and slip into the cities in the hope that it will provide them and their families with some protection. A study made on the displaced population in Bogotá found that 40 per cent of the women who were heads of households were widows who had fled with their children after their husbands died violently, while 18 per cent had been abandoned after arriving in the city.[34] Women who are separated by their displacement - either individually or with their family - are far more vulnerable than those who flee in the midst of a large and relatively organized group (such as in certain regions of the Middle Magdalena and Uraba). In this context, in May 2001, UNHCR organized the Survey of Displaced Women and Principles Governing Displacement, with support from the agencies that are part of the Displacement Group. Many of the results of this survey are reflected in the present report.

71. Information on children and displacement is also scarce. According to the Information and Displacement Follow-Up System (SIDES), 13 per cent of displaced children in 1998 were under 5, 20 per cent were between 5 and 9, 13 per cent were between 10 and 14, and 9 per cent between 14 and 18 years of age.[35] UNICEF believes that there are some 6,000 children, mostly

aged between 14 and 18, in illegal armed groups. Many of them come from displaced communities. Several studies have shown that displacement is relatively common in parents who try to avoid illegal armed groups recruiting their son or daughter.

72. The lack of safe and appropriate conditions in the different settlement areas leads displaced persons to return to their homes under minimum-security conditions or with no security at all. Return, relocation or socio-economic reintegration programmes currently do not fully meet women's needs. This is all the more serious considering the cultural disadvantage to which women have historically been subject, as well as the existing limitations on women's enjoyment of their rights.

73. Most of those who suffer displacement, particularly indigenous and Afro-Colombians, are agriculture oriented and depend on land for their self-support and organization. With regard to the protection of territories belonging to ethnic groups for example, Paz del Atrato communities in Uraba and Cacarica (Choco) already have collective property rights. But in both cases, women's rights to these lands have not been appropriately guaranteed. In the event of separation or abandonment, women and children will be left in an extremely precarious situation regarding land.

74. Women, especially women from rural areas cannot access personal documents or registration very easily. These women consequently face greater difficulties in obtaining land titles, loans, a home and health and education services. This problem is worse for indigenous women and those of African descent because of cultural barriers that deepen inequalities. Additionally, family abandonment and lack of paternal acknowledgement is a common problem for child registration and for the displaced child's right to a name.

75. Programmes that connect the emergency situation with the quest for medium- and long-term solutions for the displaced are not adequate. While many projects aimed at attaining socio-economic stability tend to support communities' efforts to return to their place of origin, initiatives in urban areas addressed at integrating groups of displaced persons are scarce. This situation contrasts with the vast majority's lack of possibilities to return or relocate. Municipalities barely participate in the search for solutions to integrate those who have suffered displacement. Municipal teams believe that creating displacement assistance programmes will only attract more displaced people to their municipality.

76. Return relocation or socio-economic reintegration projects in general fail to address women's needs adequately. Adolescents are faced with a more serious situation, as they lack any training and employment programmes. Project impact is scarcely followed up or assessed, hindering access to differentiated, trustworthy data regarding the true scope of any initiative in favour of internally displaced persons.

77. Humanitarian assistance is provided by the Government, in cooperation with ICRC, to displaced persons during the first 90 days of their displacement (under Decree 2569, of December 2000), certain categories of persons may apply for an extension for a further three-month period, but the assistance is said to be far from satisfactory and in need of review. Emergency assistance reaches only a minority of the newly displaced. After 90 days, the displaced must fend for themselves. In recent years, the Government has enacted a law and

issued several decrees that outline its responsibilities to the displaced. However, its record on implementing them has remained poor. Regional and local authorities rarely do anything to help the displaced, in part because they have few resources with which to help.

78. According to many women who spoke with the Special Rapporteur, registration with the State as IDPs would normally be done by men and the stories of persecution and reasons for flight would therefore often not reflect the female experience. The male experience thus serves as characteristic of the entire displaced population. Women also reported that if their husband left them they would have to register again. They mentioned that that would be difficult as they did not have personal documentation and thus no access to any security net or protection that might normally be provided by the State .

79. The victims of internal displacement who have suffered most from loss of their identity, even more than men, are traditional peasant women, particularly those who have been widowed through violence.[36] Notwithstanding their grief, these women have to safeguard the family's physical survival and build a new social identity in an unknown and hostile urban environment. Displaced men on the contrary, have greater geographic mobility and more social and political experience and are stronger in facing ruptures with their social and rural environment. Men feel the impact of displacement through unemployment, which deprives them of the role of economic providers.

80. Women, and in particular Afro-Colombian and indigenous women, have limited access to general health systems and the quality of services is worse for those from minority communities. Health concerns brought to the Special Rapporteur's attention included reproductive health, malnutrition and mental health. Little is being done by the State to provide trauma counselling for women who have suffered from the impact of the conflict. On a limited basis, UNIFEM, UNFPA and UNHCR provide reproductive health care and psychosocial and economic support for women and girls. However, as women and girls are disproportionately affected and displaced by conflict the humanitarian assistance is inadequate to meet their specific needs. Reproductive health services are crucial to save lives and prevent illness.

81. The Special Rapporteur recalls that, in accordance with the Deng Principles on Internal Displacement, article 10 of Law 387 of 1997 states the need to provide special assistance to women and children, particularly to widows, women heads of households and orphans. Article 17 provides for the direct access of those displaced to government social offers and particularly to social and health assistance, education and rural and urban housing, and programmes for children, women and the elderly, in order to achieve socio-economic stability.

82. The Action Plan for the Prevention of Internal Displacement and Assistance to the Internally Displaced (CONPES document 3057/99) includes measures for humanitarian assistance that bear in mind age, gender, disabilities and ethnic group. The Plan Colombia document on projects for the prevention of internal displacement and assistance to internally displaced persons (March 2000), and RSS programmes and policies in general, state the need to focus on designing and implementing plans and action from a coherent "population and territorial" perspective consistent with the social and territorial variety of internal displacement. Additionally, and notwithstanding differentiated assistance according to gender, age and ethnic

group, included in some policy documents, both programmes and projects set their priorities on *families*, creating obstacles for displaced women who need to access State services on their own.

83. In the light of the magnitude of the problems faced by female displaced persons, the Special Rapporteur encourages and supports the work of the Inter-Agency Working Group on Gender and Displacement, which is a thematic group within the Working Group on Displacement. The membership consists of United Nations agencies, ICRC and civil society organizations, including the Working Group on Women and Armed Conflict. The Inter-Agency Working Group creates a space where the efforts of different actors can converge and strengthen each other's work.

84. During her visit, the Special Rapporteur interviewed female IDPs, who spoke openly to her about their lives: the incredible losses, grief, uncertainty, fear, violence, discrimination faced in the host community, dreams for the future and hopes for their children. Going into one of the IDP squatter camps on the outskirts of Cartagena gave the Special Rapporteur an opportunity to see the reality of life there. Displaced communities live in particularly precarious conditions, on wasteland that is constantly flooded, without access to basic facilities such as water, electricity, sanitation and medical services. Children often have no access to regular schooling.

85. The difficult living conditions for IDPs in squatter camps on the fringes of the cities and the fact that most of the men face unemployment have led to an increase in intra-familiar violence in these communities. Women and children are the main victims of family violence. A survey published by PROFAMILIA[37] in August 2001 on the situation of displaced women indicates that one out of every two women surveyed has suffered physical abuse from her spouse and 20 per cent of pregnant women were subjected to physical violence during their pregnancy.

86. The Special Rapporteur also heard reports that women and young girls from the IDP communities are vulnerable to being trafficked into forced prostitution in tourist centres in Colombia and abroad.

IV. SOCIAL SUPPORT FOR VICTIMS OF GENDER-BASED VIOLENCE

87. At its 1996 session, the Commission on Human Rights requested OHCHR to establish an office in Colombia on the basis of an invitation extended by the Government. This Office was established on 26 November 1996 under an agreement signed by the Government and the then United Nations High Commissioner for Human Rights. Under the terms of that agreement, the Office monitors the human rights situation and the observance of international humanitarian law in order to advise the Colombian authorities on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in the context of violence and internal armed conflict in the country. The agreement also stipulates that the High Commissioner submit an annual analytical report to the Commission on Human Rights. The agreement between the Government and the High Commissioner has been extended, for a fourth time, until April 2003.

88. Since November 2001, the Office has greatly increased its work in regard to women's rights. It established a focal point to work on gender issues and, in particular, to assist, from the gender perspective, in analysing, evaluating and reporting on the human rights situation and in

case follow-up, in coordination with all the areas of the Office and other focal points. The gender focal point also participates in the Working Group on Women and Armed Conflict and the Working Group on Gender and Displacement. The Special Rapporteur would like to give special thanks to the gender focal point for the preparation and support provided during her visit to Colombia.

89. The Office is developing a women's rights awareness-raising programme, to improve communication between the State authorities, NGOs, women's organizations and the Special Rapporteur on violence against women. In this context, a publication entitled "Women's Rights" was issued in 2001 which includes international instruments on women's rights. It has been distributed within the women's organizations in Bogotá, Cali, Medellín, Cartagena and other cities. A fact sheet on women's rights will also be issued soon.

90. The general human rights situation in Colombia has deteriorated during the past year; there have been many attacks on human rights defenders. Women's organizations, especially peasant, indigenous and Afro-Colombian women's organizations, and their leaders, are subject to systematic intimidation and persecuted for the work that they do to defend and improve living conditions for their communities. Members are not the only ones directly affected. Women's children, husbands or partners have also been murdered as a result of the woman's social and political activities. This is the case of NGOs such as the Women's Popular Organization (Organización Feminina Popular) (OFP), the National Association of Peasant and Indigenous Women of Colombia (Asociación Nacional de Mujeres Campesinas e Indígenas de Colombia) (ANMUCIC) and the Santa Rita Foundation for Education and Promotion (Fundación Santa Rita para la Educación y Promoción) (FUNSAREP).

91. In their effort to gain social and political control of territories under dispute, armed groups target women's organizations as a visible obstacle, deeply rooted within the communities, which they try to use for their benefit or alternatively destroy. Women's organizations that do not bow before the interests of armed groups are forced to carry on their activities in permanently unsafe conditions and are increasingly forced to abandon or transform their organizational procedures.

92. From January 2001 onwards OFP[38] has received threats. Precautionary measures were issued by the Inter-American Court in regard to their case. In August 2001 government security forces allegedly entered OFP offices, threatened staff and took the mobile phones which had been issued for their protection. The organization's security situation remains precarious.

93. This type of female participation has become a hazardous activity, exposing women to multiple human rights violations and breaches of international humanitarian law by the parties to the conflict. The Special Rapporteur is concerned that the increasing and frequent aggression against women's organizations by armed factions has multiple, simultaneous and disproportionate effects on women's participation. While violence and discrimination against women deepen, social procedures are set back and peace constructing efforts are hindered. In this context, appropriate protection is required urgently to ensure women's right to equal social and political participation.

94. The Special Rapporteur held long discussions with the Working Group on Women and Armed Conflict, a group examining the multiple forms of violence during the conflict in an attempt to draw attention to the impact of the conflict on women. The Working Group was created in September 2000 with representatives of the following local organizations: Joan of Arc Association, National Association of Colombian Indigenous and Peasant Women (ANMUCIC), the Women and Family Programme of the National Peasant User Association - Reconstruction Unit (ANUC-UR), Women's Home Corporation, Former Combatant Women Collective Association, Maria Maria Collective Association, Colombian Commission of Jurists, Education and Development Foundation (FEDES), Humanizar, ILSA, Human Rights Institute of the Public Administration Academy (ESAP), Women's Peaceful Route, International Women's League for Peace and Freedom (LIMPAL), Bolivar Displaced Women's League, Women's Popular Organization (OFP) and Bogotá National Women's Network, among others.

95. International bodies such as UNCHR, OHCHR, the Office for the Coordination of Humanitarian Affairs (OCHA) and international cooperating agencies such as Project Counselling, Terre des Hommes, Save the Children and State agencies such as the Office of the People's Advocate and the Gender Study Programme of the Colombian National University also participate in the Working Group on Women and Armed Conflict as observers.

96. Since May 2001, the Working Group has worked to document cases of socio-political violence suffered by women in Colombia, motivated by the lack of government action to bring to justice the perpetrators of gender-based violence. During her visit the Special Rapporteur noted serious shortcomings in the judicial system and in police practice. She was extremely impressed by the work of the Working Group on Women and Armed Conflict and recommends that the relevant authorities work with the Working Group to eliminate violence against women.

97. Many of the NGOs with which the Special Rapporteur met represent and work with women victims of violence or are composed of women themselves victims of violence and former combatants, all of whom have seen the importance of being united in their common striving for justice and an end to the conflict. The Special Rapporteur believes the Working Group is a very important initiative and that its combined expertise should be utilized by others trying to mainstream gender and women's rights into their programmes.

98. When the Special Rapporteur enquired what the priorities of Colombian women's organizations were, they all replied that they were to seek justice for victims of political violence, to end impunity for human rights violations and to achieve peace and an end to the decade-long conflict.

99. In conversations with the Special Rapporteur, government representatives told her that they had a human rights policy, to strengthen a culture of respect for international humanitarian law and human rights as the first step towards a peaceful solution to the conflict. In this context, the Special Rapporteur encourages them to provide training on gender-based violence for the police and military.

100. The government representatives emphasized that the Government was making great efforts towards peace and had taken action against self-defence groups (paramilitaries). However, they admitted that those groups continued to be an integral part of the conflict. The representatives expressed their hope that the implementation of the San Francisco agreement would contribute towards a peaceful resolution of the conflict.

101. The Special Rapporteur agrees with the Committee on the Elimination of Discrimination against Women, which expressed its concern that, in spite of the various efforts made, the Government of Colombia still had limited ability to implement statutes sanctioning family violence. Furthermore, it noted that the Family Commissioner's offices lacked the necessary human and financial resources to meet their mandate and were not subject to any supervision by competent State authorities. Consequently, victims did not receive appropriate attention. The Committee stressed, moreover, that the Government should intervene with the purpose of reducing violence against women, making the necessary investigations and supporting the victims of this type of violence.[39]

V. CONCLUSIONS AND RECOMMENDATIONS

102. In conclusion, the Special Rapporteur would like to address a popular misconception in regard to the role of gender-based violence in the conflict. Some of the Special Rapporteur's interlocutors during her visit were of the opinion that gender-based violence in the context of the conflict is not an issue in Colombia. Others thought that the situation is not comparable to other recent conflicts (in the former Yugoslavia and Rwanda) as the Colombian conflict is not ethnic in nature; in Colombia, where one group tries to destroy another it is more due to economic differences and a war between the haves and the have-nots. The Special Rapporteur agrees to a certain extent with the latter view, insofar as she did not receive information that women were raped to make them pregnant and then held in captivity so that they would give birth to babies of the enemy, as was the case in the former Yugoslavia and which has been called genocide by the International Criminal Tribunal for the Former Yugoslavia. However, the Special Rapporteur did take testimonies of sexual slavery, sexual mutilation, forced nudity, the imposition of strict dress codes, forced abortions and forced contraception, all of which are serious crimes in international law and should be prosecuted by the Human Rights Unit of the Office of the Prosecutor-General.

103. Violence against women is widespread and systematic. The Special Rapporteur is extremely concerned about the current level of impunity for violations of women's rights, especially those that take place in, or are aggravated as a result of, the armed conflict in Colombia. She is concerned about the criminal justice system's treatment of women and the reported low level of conviction for rape and other forms of gender-based violence. The failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence has contributed to an environment of impunity that perpetuates violence against women, including rape and domestic violence. It is essential that cases of gender-based violence are investigated and the perpetrators brought to justice.

104. Training is urgently needed for all branches of the criminal justice system and the military in regard to gender-based violence and the human rights of women, in accordance with the State's obligations of due diligence to prevent, investigate and prosecute all acts of violence against women. Such a training programme could be integrated into the human rights training programme already under way.

105. The situation of displaced women and the situation of women and girls who are combatants and former combatants must be addressed as a matter of priority.

106. The Special Rapporteur was surprised and deeply concerned at the lack of interest in this subject on the part of all involved in the conflict, and the wider Colombian community and media. Gender-based violence has many consequences for women survivors which need to be addressed. The international organizations and the donor community have a responsibility to analyse the impact of the conflict on women. Local women's organizations are working together, for example in the Working Group on Women and Armed Conflict, to collect comprehensive data, and their expertise and access to survivors of violence will be of great value to all those seeking to understand and intervene in the conflict. Furthermore they have an important role to play in the peace process and should be invited to participate in it so that the views of women are heard.

A. At the national level

107. All parties to the conflict must take measures to protect women and girls from rape and other forms of gender-based violence, including instructing all the warring factions to respect international humanitarian law. Rape, forced contraception and sterilization, forced prostitution, sexual slavery and other forms of gender-based violence are serious breaches of international humanitarian law. The Special Rapporteur urges the armed factions to state publicly that rape in the conduct of armed conflict constitutes a war crime and may constitute a crime against humanity under defined circumstances, and that anyone who commits rape will be brought to justice.

108. The Special Rapporteur encourages all parties to the conflict to subscribe to a global accord on the subject of human rights and international humanitarian law. This accord should include special protection from gender-based violence and slavery.

109. The State should take immediate and concrete steps to combat the extremely high level of impunity that exists in regard to violations of women's rights.

110. The State should guarantee an independent justice system in charge of investigating and sanctioning those responsible for violations of women's rights. The Special Rapporteur calls upon the authorities of the three branches of State power firmly to respect and guarantee the autonomy and independence of judicial officials, ensuring that the judicial branch's inherent power to administer justice is reflected in the laws, decisions and actions that the State adopts or enacts. Likewise, she urges the State to adopt the measures needed to investigate, punish and make amends for grave human rights violations and breaches of international humanitarian law, through the rulings of the ordinary justice system and by preventing impunity.

111. The State should take all measures necessary to ensure, consistent with its international obligations, that jurisdiction of the military justice system is limited to crimes truly related to military service. In this regard, the State should ensure that cases involving serious human rights violations are not processed by the military justice system.

112. The State should ensure the full and effective implementation of domestic legislation that protects women against violence.

113. The State should increase funding for the Human Rights Unit of the Office of the Prosecutor-General, including for the witness protection programme, travel, communications equipment, security and evidence-gathering capability. The work of the Human Rights Unit has contributed to the protection of human rights and accountability for serious crimes, yet in recent times prosecutors and investigators have had their budgets cut and lack the resources to investigate fully cases assigned to them. The Special Rapporteur encourages the unit in its future work, which is vital to uphold the rule of law.

114. Because of the pervasiveness of sexual and gender-based violence in Colombian society, the particular expertise necessary to investigate, evaluate and prosecute these crimes effectively, and the persistent tendency to marginalize them, it is essential that the Prosecutor-General appoint a high-ranking legal adviser on sexual and gender-based violence. The establishment of such a mandate would be consistent with the recommendations of the 1993 Vienna World Conference on Human Rights and in the Beijing Platform for Action that special mechanisms be developed to ensure the full integration of gender into human rights institutions. The adviser would emphasize to the criminal justice system the unacceptability of excluding gender-based crimes against women from the justice system. There is a common misconception that rape is less important than other crimes committed in the conflict and not worth investigating.

115. The State should develop systems for the compilation of statistics to record what happened to female victims prior to death in massacres, in order to reflect truly the widespread nature of gender-based violence in the conflict.

116. The State should intensify its efforts to combat paramilitary groups effectively and to ensure that persons suspected of human rights violations, including members of the Government, are prosecuted in civilian courts. Operative groups should be established in areas under paramilitary control to tackle the problem directly and end the human rights abuses. Considering the high proportion of human rights violations perpetrated by paramilitary groups, the State should adopt a decisive policy of unmasking these groups. Any State officials found to have links with paramilitary groups should be removed from their post, investigated and sanctioned.

117. The State should provide greater support and protection for human rights organizations that work with women and on women's human rights issues. The work currently underway in the areas of research and the production of materials on women's rights, and the documentation of women's experiences of conflict, is seen by certain actors as contentious and adequate thought needs to be given to addressing the risks to the people who conduct this work and to providing them with appropriate support. Much valuable work is done in remote areas by women's organizations at the grass-roots level and they deserve appropriate protection measures and support systems. Tackling impunity and prosecuting gender-based violations will send a

message that these crimes will be taken seriously. Serious priority and commitment must be devoted to understanding the risks, implementing preventive measures and providing protection.

118. In this regard the Special Rapporteur supports the recommendations made by the Inter-American Commission on Human Rights that the State:[40]

(i) Guarantee access to, and the efficiency of, the special measures included in local legislation for the protection of the psychological and physical integrity of women subject to threats of violence;

(ii) Develop training programmes for police and judicial officials on the causes and consequences of gender violence;

(iii) Guarantee due diligence in all cases of gender violence so that these cases will be subject to prompt, complete and impartial investigations, resulting in sanctioning of perpetrators and reparations for victims;

(iv) Ratify the Statute of the International Criminal Court, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

119. The Special Rapporteur calls on the State to comply with its existing international obligations under international human rights law by harmonizing all relevant provisions of Colombian domestic law with international standards. In this respect, the Special Rapporteur strongly urges the Government to cooperate with non-governmental and women's organizations in the law reform process.

120. The Special Rapporteur calls on the State to comply with the recommendations made by the Committee on the Elimination of All Forms of Discrimination against Women, inter alia that the criminal statute regulating abortion should be reviewed and adjusted to meet the standards set forth in the Convention on the Elimination of All Forms of Discrimination against Women.[41]

121. The Special Rapporteur urges the Government, NGOs and United Nations agencies to carry out research and publish empirical findings on incidents of violence against women in order to assess the real nature of the problem facing Colombian society.

122. The Special Rapporteur calls on the State to increase its efforts to protect women from gender-based violence. To eliminate gender-based violence, both the legislative and other aspects of the problem need to be incorporated in measures undertaken by the State. Currently the lead in documenting cases and providing assistance to the survivors has been taken by civil society. The State must act with due diligence and improve institutional structures to resolve the problem of a gender-based violence. In addition to legislative and social protection measures, it is necessary to conduct education and training for the criminal justice system and civil society, and to inform women of the legal remedies available to them.

123. The Special Rapporteur calls on the State to ensure the effective enforcement of the principle of equality and non-discrimination, and to implement a comprehensive gender policy. She urges the State to fight the inequalities that currently exist between men and women, especially in the areas of education, employment and political participation, and to establish mechanisms that measure the impact of the measures adopted.

124. The Special Rapporteur urges all parties to the conflict to abide by and ensure the enforcement of the Guiding Principles on Internal Displacement. She reiterates the need to implement fully the recommendations made by the Representative of the Secretary-General of the United Nations on internally displaced persons to the Government of Colombia and armed groups of Colombia. These include special attention to the particular needs of women and children, who make up the majority of the displaced population. The State must adopt effective measures to guarantee that the particular security concerns of women and girls displaced by the conflict are met, including measures against rape and trafficking.

125. The Special Rapporteur also supports the recommendation made by the Committee on the Elimination of All Forms of Discrimination against Women that existing programmes be expanded with a view to improving the status of rural women, particularly among displaced populations, and that attention be focused as a matter of priority on rural women with a view to improving their health, education and quality-of-life indicators.[42]

126. The Special Rapporteur calls for the development and implementation of programmes for the social reintegration of former female combatants. The support provided to girl former combatants should include evaluating past experiences. If these experiences are denied or treated as social maladjustment, or are managed with guilt and resentment, these girls are denied the possibility of understanding their experiences within a political and historical context and of coming to terms with them.

127. The Special Rapporteur urges all parties to the conflict to support women's participation in the peace process, in accordance with Security Council resolution 1325 (2000) of 31 October 2000. Women and women's groups should be fully involved in the peace process and special efforts should be taken to ensure that women's needs and interests are included in the political negotiations. Women's representation at the negotiating table is crucial as the sine qua non of gender equality and inclusion. Women should participate in every capacity to promote gender-sensitive and gender inclusive responses to the conflict, the peace process and violations, without threat of further violence and egregious attacks.

B. At the international level

128. The OHCHR Office in Colombia should build on the work of the gender focal point and fully incorporate a gender perspective into all areas of the Office's work. The Office should continue systematically to monitor and report on issues of gender-based violence and give priority to the verification of gender-based violations, to ensure that the perpetrators of gender-based violence are held accountable for their crimes.

129. All international organizations working in Colombia should protect and support the delivery of humanitarian assistance for women and girls affected by the conflict, in particular internally displaced women. Women's human rights should be central in the planning of reconstruction and rehabilitation programmes.

130. The international community should increase funding for programmes that address the needs of victims of gender-based violence, including medical care, trauma counselling, education, vocational training and income-generating schemes.

Notes

[1] Committee on the Elimination of Racial Discrimination, Concluding observations on the eighth and ninth periodic reports of Colombia, 20 August 1999, (A/54/18, paras. 454-481), para. 456.

[2] Violence in Colombia 1990-2000: Waging War and Negotiating Peace, edited by Charles Berquist, Ricardo Penaranda and G. Gonzalo Sanchez, A Scholarly Resources Inc., 2001.

[3] International Women's Rights Action Watch country report 1999.

[4] Inter-American Commission on Human Rights, Third report on the situation of human rights in Colombia 1999, OEA/Ser.L/V/11.102, Doc. 9 rev. 1, chap. XII, paras. 22-23.

[5] Ibid., paras. 44-45.

[6] International Women's Rights Action Watch country report 1999.

[7] Ratified by Colombia on 31 July 1973.

[8] Article 1.

[9] Ratified by Colombia on 23 December 1997.

[10] Ratified by Colombia on 15 November 1996 and entered into force in December of the same year.

[11] Humanidad Vigente Corporación Jurídica, "Alternative report on Colombia" for the Committee on the Elimination of Discrimination against Women (CEDAW), 1999, para. 2.6.

[12] Letters are used instead of their names to protect persons who testified to the Special Rapporteur on violence against women from any potential reprisals.

[13] Tamayo, Giulia, "*Mujeres Bajo Entornos de Conflicto, Pos Conflicto y en Zonas Militarizadas: Experiencias de América Latina*". Paper prepared for a workshop organized by the World Bank "Gender, Conflict and Building Sustainable Peace: Latin American Experiences". Bogotá, 8-9 May 2000, p. 6.

[14] National Women's Network, Cali, Corpomujer, Grupo Amplio, Alfa Corporation, Gestar, Women: Yes!, Germinating South, Mavi Agenda, Peace and Welfare Foundation, Melendez Popular Cultural Centre, Mustard Seed Corporation, Latin American and Caribbean Woman's Network, Centre for Multidisciplinary Gender Studies of Antioquia University, Letter to the high-ranking commanders of the country's armed groups. Cali, May 2001.

[15] During the visit, the police agreed to forward a forensic report to the Special Rapporteur which would give more information about what had happened to female victims prior to death. Unfortunately, however, the forensic report has not arrived and therefore statistics on this issue cannot be included in this report.

[16] For more information on the recruitment of children, see reports of the Special Representative of the Secretary-General on the impact of armed conflict on children, the Inter-American Commission on Human Rights, the NGO-Coalition report, Human Rights Watch and the report of the High Commissioner for Human Rights on the office in Colombia of 9 March 2000, E/CN.4/2000/11, para. 90; see also Report of the Special Representative of the Secretary-General for children and armed conflict, A/54/430, paras. 122-127, Organization of American States/Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia, 1999, pp. 332-335; Human Rights Watch, "Children affected by armed conflict", 31 March 2000.

[17] Exact data concerning domestic violence suffered by former combatant girls that led to increasing their desire to leave their home and join an armed faction were the subject of analysis by the Procurator General's Office and the Colombian Family Welfare Institute (ICBF), and will be published soon. The investigation gathered some 150 testimonies from children and youths no longer taking part in the armed conflict, as well as testimonies provided by judicial authorities and ICBF officials, armed groups and the children's families.

[18] According to ICBF, 95 per cent of the former combatants come from a rural background.

[19] This figure was used by the United Nations in 1999, during the visit to Colombia of the Special Representative of the Secretary-General on children and armed conflict, Olara Ottuno.

[20] This project has been guided by the People's Advocate Office (Office for Women and Children) and receives support from some NGOs and agencies. It has not been an easy process: ensuring that these children can reintegrate and enjoy their rights fully is extremely difficult.

[21] The Congress currently has before it an important bill (presented by Senator Rafael Orduz in November 2001): "Bill to issue legal statutes for the protection of and comprehensive assistance to recruited children and adolescents or to children and adolescents who have been forced to take part in the hostilities or who are no longer ranked within an armed group taking part in the internal armed conflict."

[22] Esperanza Delgado Hurtado, paper presented at the International Symposium "*Jovenes en Conflicto y Alternativas de Futuro*", Cali, 29-30 March 2001.

[23] Ibid.

[24] Joint Technical Unit (UTC) - Social Solidarity Network, Report on Displacement in Colombia, first semester 2001.

[25] Data from RSS and CODHES.

[26] Meertens, Donny, 2001, *The Nostalgic Future: Terror, Displacement and Gender in Colombia, Victims, Actors or Perpetrators? Gender, Armed Conflict and Political Violence.* Caroline Moser and Fiona Clark, eds. London, Zed Books, 2001, pp. 133-148.

[27] Variations result from different methodologies used in counting, from practical difficulties in developing an accurate registry of displaced persons in a country at war, and the political focus given (to show the devastation and lack of population in rural areas or to estimate the amount of persons requiring official humanitarian assistance).

[28] Social and Economic Policy Council (a government agency).

[29] CODHES Bulletin "*Desplazados - el Rostro Anónimo de la Guerra*", Bogotá, June 2001.

[30] During 2000 there was an average of four displacements per day. This average increased to six during 2001.

[31] Information System on Population Displaced through Violence in Colombia (RUT), Quarterly Bulletin No. 10, National Social Pastoral Secretariat, Bogotá, April-June 2001.

[32] RSS, *Informe sobre Desplazamiento Forzado en Colombia en el Primer Trimestre 2001.* The departments having the largest number of displaced women are, Guajira, Meta, Valle del Cauca, Santander and Boyaca.

[33] Social Solidarity Network, *"Atencion a la poblacion desplazada por la violencia en Colombia"*, Management report, Bogotá, January 2000 to June 2001.

[34] Jorge Rojas, "*Desplazamiento forzado, conflicto social y derechos humanos*". Paper presented at the Seminar on Displacement and Social Conflict in Colombia. Bogotá, Colombia National University, 1997. The highest figure for women heads of households (49 per cent) was found in a study made on displaced families in Cali (Life, Justice and Peace Commission, Cali Archdiocese), 1997, p. 42.

[35] CODHES Informa No. 37.

[36] For a traditional peasant woman, a small landowner, her social identity is closely rooted in primary relations (domestic environment, family, neighbours). Her lack of social and geographic mobility restricts her to a smaller world than that of non-traditional peasant women, who have moved on to conquer new lands and have thus expanded their outlook. Consequently, the former have a more difficult experience during rupture.

[37] PROFAMILIA, (a Colombian NGO), First National Survey on Sexual and Reproductive Health: the Situation of Displaced Women. Bogotá, October 2000-May 2001.

[38] OFP is located in the Middle Magdalena region and defends working women's rights through projects relating to comprehensive health care, solidarity economy, youth movements, training and education, a document centre, assistance for displaced women and their families (physical and psychological health, nutritional sustainability, emergency assistance). This work is undertaken in facilities within popular communities known as women's homes. OFP currently has nine women's homes, located in eight municipalities of the Middle Magdalena region and one in Bogotá.

[39] Report of the Committee on the Elimination of Discrimination against Women on its twentieth session. Concluding comments on the fourth periodic report of Colombia. A/54/38, paras. 337-401.

[40] Inter-American Commission on Human Rights. OAS/Ser.L/V/II. 102, Doc.9 Rev.1, Chap. XII, E, paras. 3, 5, 7.

[41] Report of the Committee on the Elimination of Discrimination Against Women on its twentieth session. Concluding comments on the fourth periodic report of Colombia. A/54/38, para. 393.

[42] Ibid., para. 398.

Appendix

SELECTIVE LIST OF PERSONS/ORGANIZATIONS THE SPECIAL RAPPORTEUR MET WITH DURING HER VISIT

Mr. Gustavo Bell	Vice-President/Minister of Defence
Mr. Guillermo Fernandez de Soto	Minister for Foreign Affairs
Ms. Nazly Lozano Aljure	Presidential Counsellor for Women's Affairs
Mr. Eduardo Cifuentes	Ombudsman
Ms. Gloria Quinceno	Director-General for Reincorporation Programmes
Mr. Fernando Medellin	Director of the Social Solidarity Network
Colonel Luis Alfonso Novoa	Coordinator of the Human Rights Unit, National Police
Mr. Alejandro Ramelli	Director, Human Rights Unit of the Office of the Prosecutor-General of the Nation
	Colombian Family Welfare Unit (ICBF)
Mr. Anders Kompass	Director of the Office of the High Commissioner for Human Rights, (OHCHR) Colombia
	Working Group on Women and Armed Conflict
	Inter-Agency Working Group on Gender and Displacement Gender and Rights Programme
	Instituto Latinoamericano de Servicios Legales Alternativos (ILSA)
	Comisión Colombiana de Juristas
	International Women's League for Peace and Freedom (LIMPAL)
	Casa de la Mujer
	Joan of Arc Association
	National Association of Colombian Indigenous and Peasant Women (ANMUCIC)
	Women and Family Programme of the National Peasant User Association - Reconstruction Unit (ANUC-UR)
	Women's Home Corporation
	Former Combatant Women Collective Association
	Maria Maria Collective Association
	Education and Development Foundation (FEDES)
	Humanizar
	Human Rights Institute of the Public Administration
	Academy ESAP
	Women's Peaceful Route
	Bolivar Displaced Women's League
	Women's Popular Organization (OFP)
	Bogota National Women's Network